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JAN. -06' 97 (MON) 14:44 POLICE COMMISSION

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P. 002



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS**  
**POLICE COMMISSION MEETING**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meeting on Wednesday, January 8, 1997.  
The next Police Commission Regular Meeting will be on Wednesday, January 15, 1997  
at 5:30 p.m., in the Hall of Justice, Room 551.

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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, JANUARY 15, 1997  
5:00 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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JAN 13 1997

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1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. San Coc Duong v. CCSF, Superior Court No. 966-554
- b. Liberty Mutual Group v. CCSF, et al, Claim No. 95-04470
- c. Unlitigated Claim of Federal Insurance Company, Claim No. 97-00504
- d. Unlitigated Claim of Miller's Group (Thario Ithfan), Claim No. 95-02584
- e. Linda Rogers v. CCSF, Claim No. 95-01398

PUBLIC COMMENT IS WELCOME.





**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, JANUARY 15, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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JAN 13 1997

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1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to disclose action taken or discussions held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Election of Officers
  - b. Motion to Withdraw Charges filed against Officer Gregory Breslin
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Charges Filed Against Officer Harold Johnson, Support Services Division (File No. C96-166[319]JWA)
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Presentation of OCC Statistical Reports for October and November, 1996
10. Presentation of OCC Annual Audit under SFPD General Order 8.10
11. Request of the Chief of Police for Approval of the Awards Committee Recommendations
12. Discussion and Action re: Proposed Amendment of Administrative Code Establishing a Police Gymnasium Fund





# The Police Commission

## CITY AND COUNTY OF SAN FRANCISCO

### SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, JANUARY 15, 1997  
5:30 p.m.

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

13. Discussion and Action re: Interagency Operations and Memorandums of Understanding

14. Discussion and Action re: Proposed FBI Bay Area Counter-Terrorism Task Force

15. Public Comments

**(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)**

16. Disposition Hearing on Charges Filed Against Officer Donald Ramirez, Central Station  
(File No. C96-109[262] JWA)

Government Code Section 54957

Possible Closed Session/Public Employee Discipline

Re: Charges Filed Against Officer Donald Ramirez, Central Station  
(File No. C96-109[262] JWA)

17. Disposition Hearing on Charges Filed Against Officer Robert L. Hart, Support Services  
(File No. C56-208 JWA)

Government Code Section 54957

Closed Session/Public Employee Discipline

Re: Charges Filed Against Officer Robert L. Hart, Support Services  
(File No. C56-208 JWA)

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**





**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO  
**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, JANUARY 15, 1997**  
**5:30 p.m.**

**CONSENT CALENDAR**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLDTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DDUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Recommendation of the City Attorney for Settlement of the following claims:
  - a. San Coc Duong v. CCSE, Superior Court No. 966-554
  - b. Liberty Mutual Group v. CCSE, et al, Claim No. 95-04470
  - c. Unlitigated Claim of Federal Insurance Company, Claim No. 97-00504
  - d. Unlitigated Claim of Miller's Group (Thario Ithfan), Claim No. 95-02584
  - e. Linda Rogers v. CCSE, Claim No. 95-01398

2. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following named individuals:

Ronald Balliett	William Guthrie	Ernesto Sebastian
Sing Chu	Lu Lam	Estrella Sebastian
Raymond Deocareza	Phillip Larsen	Michael Sienkiewicz
Ronald Fishman	Anne McVeigh	Robert Skrak
Joseph Fleischman	Michael Merrithew	Holman Tieu
David Helske	Kenneth Nguyen	Herman Trinidad
Joel Hollander	Xuan-N Nguyen	Leon Veysman
Mark Hallander	Michael Rosa	Van Van Vo
Gerald Ganley		

3. Request of the Chief of Police for Approval to Accept Donation of Gym Equipment, from the Merkley Family, for use of the Crime Prevention Company
4. Request of the Chief of Police for Approval to Accept Donation of a Police Tactical Bus, from the Roper Films, valued at approximately \$1500.00, for use of the Tactical Division
5. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent Fund for the months of May 1996 through December 1996



JANUARY 15, 1997

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:05 p.m., in a Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

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- a. San Coc Duong v. CCSF, Superior Court No. 966-554
- b. Liberty Mutual Group v. CCSF, et al, Claim No. 95-04470
- c. Unlitigated Claim of Federal Insurance Company, Claim No. 97-00504
- d. Unlitigated Claim of Miller's Group (Thario Ithfan), Claim No. 95-02584
- e. Linda Rogers v. CCSF, Claim No. 95-01398

PRESENT: Commissioners Keker, Hewlett, Salinas, Chan

ABSENT: Commissioner Norman

JANUARY 15, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

The Commission discussed litigation matters and no further comments made.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 1-97**

**SAN COC DUONG v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "San Coc Duong v. CCSF" in San Francisco Superior Court No. 966-554 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 5, 1994

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 2-97**

**LIBERTY MUTUAL GROUP v. CCSF, et al**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Liberty Mutual Group v. CCSF, et al" in Claim No. 95-04470 for damages sustained, be, and the same is hereby approved.

Date of Incident: March 12, 1996

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 3-97**

**UNLITIGATED CLAIM OF FEDERAL INSURANCE COMPANY**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Federal Insurance Company v. CCSF" in Unlitigated Claim No. 97-00504 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 8, 1996

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 4-97**

**UNLITIGATED CLAIM OF MILLER'S GROUP (THARIO ITHFAN)**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Miller's Group (subrogation claim of Thario Ithfan)" in Unlitigated Claim No. 95-02584 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 20, 1995

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 5-97**

**LINDA ROGERS v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Linda Rogers v. CCSF" in Unlitigated Claim No. 95-01398 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 11, 1995

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 6-97**

**APPROVAL OF TAXICAB OWNER'S PERMITS**

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Ronald Balliett	William Guthrie	Ernesto Sebastian
Sing Chu	Lu Lam	Estrella Sebastian
Raymond Deocareza	Phillip Larsen	Michael Sienkiewicz
Ronald Fishman	Anne McVeigh	Robert Skrak
Joseph Fleischman	Michael Merrithew	Holman Tieu
David Helske	Kenneth Nguyen	Herman Trinidad

Joel Hollander  
Mark Hallander  
Gerald Ganley

Xuan-N Nguyen  
Michael Rosa

Leon Veysman  
Van Van Vo

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 7-97**

**APPROVAL TO ACCEPT DONATION OF GYM EQUIPMENT,  
FROM THE MERKLEY FAMILY, FOR USE OF THE CRIME  
PREVENTION COMPANY**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of gym equipment from the Merkley Family, for use of the Crime Prevention Company.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 8-97**

**APPROVAL TO ACCEPT DONATION OF A POLICE TACTICAL  
BUS, FROM THE ROPER FILMS, VALUED AT  
APPROXIMATELY \$1500.00, FOR USE OF THE TACTICAL  
DIVISION**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of a Police Tactical Bus, by Roper Films, valued at approximately \$1500.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 9-97**

**APPROVAL OF REPORT OF EXPENDITURES FROM THE  
CHIEF'S CONTINGENT FUND FOR THE MONTHS OF MAY  
1996 THROUGH DECEMBER 1996**

RESOLVED, that the Police Commission hereby approves the report of the Chief's Contingent Fund for the months of May 1996 through December 1996.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**POLICE COMMISSION REPORT**

**RESOLUTION NO. 10-97**

**ELECTION OF OFFICERS FOR THE POLICE COMMISSION**

RESOLVED, that the Police Commission elected Commissioner John Keker as President of the Police Commission and Commissioner Pat Norman as Vice President.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 10-97**

**ELECTION OF OFFICERS FOR THE POLICE COMMISSION**

RESOLVED, that the Police Commission elected Commissioner John Keker as President of the Police Commission and Commissioner Pat Norman as Vice President.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 11-97**

**WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST  
OFFICER GREGORY W. BRESLIN, NARCOTICS  
(FILE NO. C45-070 JWA)**

---

WHEREAS, Chief of Police Fred H. Lau requests that the charges against Officer Gregory W. Breslin, Narcotics Division, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that charges filed against Police Officer Gregory W. Breslin be withdrawn and taken off calendar.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

Commissioner Keker discussed discipline and setting of hearing is proposed in one month and to be calendared for discussion on February 19th. He also asked input from the Department, the OCC, ACLU and the POA.

Disposition for Benjamin, Gomes and Payne matter to be calendared for February 12th and disposition of Chan matter to be calendared for February 5th.

**DISCUSSION AND ACTION RE: INTERAGENCY OPERATIONS  
AND MEMORANDUMS OF UNDERSTANDING**

---

Taken out of order and taken off calendar.

**DISCUSSION AND ACTION RE: PROPOSED FBI BAY AREA  
COUNTER-TERRORISM TASK FORCE**

---

Taken out of order and taken off calendar.

**RESOLUTION NO. 12-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL  
CHARGES FILED AGAINST OFFICER HAROLD JOHNSON,  
SUPPORT SERVICES DIVISION (FILE NO C96-166[319]JWA)**

---

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Harold Johnson, Support Services Division, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Johnson; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Harold Johnson and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau welcomed new Commissioners.

## OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, Director OCC, discussion closing of cases more efficiently and more carefully.

## PRESENTATION OF OCC STATISTICAL REPORTS FOR OCTOBER AND NOVEMBER, 1996

Director Dunlap presented statistical reports and discussed pending cases and 16 sustained cases for October & and November 1996.

## PRESENTATION OF OCC ANNUAL AUDIT UNDER SFPD GENERAL ORDER 8.10

John Parker, OCC, presented Audit Report. He stated that there were no investigations of the type that would necessarily be reported under the general order. However, in March of 1996, Commissioner Hewlett noted that there had been a violation of the general order with regard to a video taping incident that occurred in the demonstration that occurred in March. The actual incident occurred in March of 1996.

That matter was reviewed by the Chief who found that there was a policy failure in that the then Commander made a verbal instruction rather than a written instruction of the policy failure being that there was no form by which the department could use to make the written request for such authorization.

The OCC recommends that, in light of the Chief's finding, that the department adopt a form and that they also hold frequent refresher courses for command staff who are in charge of these functions.

PUBLIC COMMENT re: Audit Report

Keith McHenry discussed concerns regarding violation.

## RESOLUTION NO. 13-97

## AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Thursday, December 12, 1996 and Tuesday, December 17, 1996; and

WHEREAS, Chief of Police Fred H. Lau has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Michael Koltzoff, Officer Michael Toropovsky, Officer E. R. Balinton and Officer Paul Lozada are hereby awarded the Gold Medals of Valor and granted a reward of *one month's salary* each, as provided for under said section of the Charter; and be it further

RESOLVED, that Officer Anthony Gomes, Officer Michelle Liddicoet, Officer Mark Macias (SFFD)\*\*, Officer Frank Harrell, and Officer Geoffrey Williams, are hereby awarded Silver Medals of Valor and granted rewards of \$300.00 each, as provided for under said Section of the Charter; and be it further

(\*\*Transferred to SFFD)

RESOLVED, that Lieutenant William Gilbert, Sergeant David Pollitt, Sergeant Robert Barnes, Officer Mitcheli Lang, Officer Joseph Engler, Officer Frank Mendez, Sergeant Willam Dougherty, Officer Dennis McClellan, Officer John Flaherty, Officer Kevin Dempsey, Officer Charles Limbert, Officer Chris Schaffer, Officer Keith Singer, Officer Albert Tong, Officer Richard O'Reilly, Officer Dave Bardoni, Sergeant Stephen Venters, Officer William Roualdes, Officer Mark Ballard, Officer Jude Rand, Officer Davin Cole, Officer Van Jackson, Officer Catherine Bianchi and Officer Shawn Jackson are hereby awarded Bronze Medals of Valor and granted rewards of \$150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Lieutenant Joseph Dutto, Sergeant John Fowlie, Sergeant David Faingold, Sergeant Timothy Dempsey, Sergeant Nicholas Rubino, Sergeant Robert Guinan, Sergeant John F. Murphy, Sergeant John Payne, Inspector Robert Hernandez, Inspector Gregory Ovanessian, Inspector Robert T. McMillan, Inspector Eric Olsen, Inspector Gary Jimenez, Inspector Robert Rogers, Inspector Michael Biel, Inspector Thomas Horan, Officer Kenneth Nieman, Officer Daniel Manning, Officer David Nakasu, Officer James Zerga\*, Officer Richard Alves, Officer Peter Siragusa\*, Officer Michael Moran, Officer Neal Griffin\*, Officer Leanna Dawydiak, Officer Eddie Hagan, Officer Darren Nocetti, Officer Vincent Neeson\*, Officer Neal Griffin, Officer Michael Browne, Officer Edward Yu, Officer Robert Bohanan, Officer Michael Philpott, Officer Thomas Vellone and Officer Phil Lee are hereby awarded Meritorious Conduct Awards and granted a reward of \$150.00 each, as provided for under said Section of the Charter.

*(\*Members receive two (2) Awards and Rewards)*

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

#### **RESOLUTION NO. 14-97**

#### **PROPOSED AMENDMENT OF ADMINISTRATIVE CODE ESTABLISHING A POLICE GYMNASIUM FUND**

WHEREAS, the Police Gymnasium of the 5th floor of the Hall of Justice requires new equipment, repaired equipment, and maintenance; and

WHEREAS, public employees assigned to the Hall of Justice should be encouraged to maintain physical fitness; and

WHEREAS, the establishment of a special fund to provide for gifts of money or property, and the acceptance of annual dues will permit the Department to enhance the facility; now therefore be it

RESOLVED, that the Police Commission urges the Mayor to favorably consider the attached proposed amendment to the Administrative Code and that, upon his approval, the proposal be submitted to the Board of Supervisors.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

#### **PUBLIC COMMENTS**

John Crew, ACLU, discussed concerns regarding Bay Area Counter-Terrorism Task Force. He suggested that the FBI come in and answer questions regarding the policy. He also offered his assistance to the department.

Van Jones discussed Andaya decision and concerns.

Unidentified, Mission resident, discussed concerns regarding

actions of police and to fire Andaya.

Medina discussed police harassment.

Unidentified discussed concerns regarding Andaya decision.

William Bowser, uncle of Aaron Williams, discussed concerns.

Patricia Toloc discussed concerns regarding Andaya.

Gabriel Hernandez discussed concerns regarding actions of police.

Lavoria Moore discussed police brutality.

Stephanie Tang discussed spying and brutality.

Irving Sherman discussed concerns regarding Andaya decision.

Mike McHune discussed concerns regarding Andaya decision.

Gerald Smith, Cop Watch, discussed concerns regarding actions of police and the Andaya decision.

Jeremy Graham, Police Accountability, informed the Commission of the death of Maggie Olesen.

Perry Matlock, resident, discussed concerns regarding actions of police.

Larry Hildas, attorney, discussed concerns regarding FBI Task Force.

Frank Martin del Campo discussed concerns regarding FBI Task Force.

Maria C. Guterrez discussed concerns regarding Williams' case and Andaya decision and harassment by police.

Cornelius Hall discussed concerns regarding actions of police and Andaya decision.

Chris Daly discussed concerns regarding Andaya decision.

Rene Nutia discussed concerns regarding Andaya decision.

Hunter Cutting discussed actions of police and fire Andaya.

Laura Desiree discussed actions of police and Andaya matter.

Sarah Menafe discussed actions of police.

Keith McHenry, Food Not Bombs, discussed concerns regarding actions of police and Marc Andaya.

### **HEARING OF POLICE OFFICER DONALD R. RAMIREZ, CENTRAL STATION (FILE NO. C96-109[262]JWA)**

The hearing of Police Officer Donald R. Ramirez, Central Station, was called it having been set for this date. Officer Ramirez was charged with violating the Rules and Procedures, as follows:

#### **SPECIFICATION NO. 1**

Taking unauthorized and unverified sick leave in conjunction with the beginning his vacation (violation of Rules VI-C, IX-F, and IX-G of General Order D-8 of the San Francisco Police Department);

#### **SPECIFICATION NO. 2**

Failure to properly notify his Commanding Officer, the Personnel Sergeant or the department, and failure to provide written verification, of his medical condition (violation of Rules J-7-b and M-2-e of Department General Order 11.01 of the San Francisco Police Department);

#### **SPECIFICATION NO. 3**

Failure to answer truthfully and without evasion when questioned by Management Control Division investigators (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Donald R. Ramirez appeared in person and was represented by Sergeant Steve Johnson, POA.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Johnson entered a plea of guilty on Specifications No. 1, 2 and 3 on behalf of Officer Ramirez. Officer Ramirez personally affirmed entry of guilty plea in these matters.

The Commission took the matter under submission finding him guilty on Specifications No. 1, 2 and 3.

Based on those findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Donald R. Ramirez be suspended for sixty (60) days.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 15-97**

**DECISION - HEARING OF OFFICER DONALD R. RAMIREZ,  
CENTRAL STATION**

WHEREAS, on October 22, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Donald R. Ramirez, as follows:

**SPECIFICATION NO. 1**

Taking unauthorized and unverified sick leave in conjunction with the beginning his vacation (violation of Rules VI-C, IX-F, and IX-G of General Order D-8 of the San Francisco Police Department);

- (1) At all times herein mentioned, Officer Donald R. Ramirez, Star Number 1750, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Mission Station now assigned to Central Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On September 15, 1994, the accused filled out and submitted a Vacation Request (SFPD form 288) asking to be carried on leave from October 22, 1994 through January 1, 1995, [referred to in these charges as "Vacation Request"]. The leave request was fashioned from a combination of watches off, vacation leave, equivalent holidays, floating legal holidays, legal holidays, compensatory time off and leave accumulated from participation in the physical fitness program. The form listed an address in South San Francisco where his mother lives as his vacation address. The form was approved by his Commanding Officer after he discussed the leave request with the accused. The Commanding Officer made it clear that he would not approve any extensions of the leave because the accused abused leave rules in the past by not returning from extended vacations at the end of the

approved leave;

- (4) The accused was scheduled to work on October 13 and 14, 1994. The accused was watch off on October 15, 16, 17 & 18, 1994. The "Vacation Request" the accused submitted for approval showed, as did other station records, that the accused would work on October 19, 20, and 21, 1994, the three days immediately before the start of his requested vacation;
- (5) On October 15, 1994, the accused boarded an airplane and left the United States on his extended vacation trip to Southeast Asia. The accused was carried on sick leave with pay on October 13, 14, 19, 20 and 21, 1994. The accused did not produce a physician's justification of the five consecutive working days of sick leave with pay he took immediately before the start of his authorized vacation. To this day, the accused has not presented verification of this sick leave, has not stated that he was ill or has not named the illness which prevented him from working for that five day period of sick leave he claimed and for which he was paid;
- (6) The accused used the sick leave to extend his vacation by taking sick leave in connection with his watches off when he was supposed to be working immediately before the start of an arranged leave, the accused left the jurisdiction while on sick leave without notifying the personnel sergeant, and the accused has not provided a proper report from a physician verifying illness on those days, therefore, the accused has engaged in conduct which constitutes violations of Rules VI-C-1, IX-F, and IX-G of General Order D-8 of the San Francisco Police Department, which state:

"VI-C .Reporting Procedures

1. A sworn member unable to report for duty at the prescribed time as a result of illness or injury not in the line of duty, shall immediately report that fact to his/her commanding officer, officer-in-charge or a superior officer at the officer's unit of assignment, and after being absent for three (3) consecutive working days because of such illness or injury, forward, without unreasonable delay, to his/her commanding officer a certificate signed by the treating license medical doctor, doctor of dental surgery, doctor of pediatric medicine, licensed clinical psychologist, or Christian Science practitioner, stating the reason for such inability to report for duty. If said certificate is sent by mail, it shall be mailed by Special Delivery Registered Mail to the officer's commanding officer, officer-in-charge or a superior officer at the member's unit of assignment.

IX-F .A member on sickness or disability leave shall not absent himself/herself from his/her residence in excess of 24 hours without first obtaining permission from the attending physician and/or the Police Physician. The member shall fully discuss all the activities he/she plans to engage in with the attending physician and/or the Police Physician for

a determination of whether the activities would aggravate the injury or retard the member's convalescence. Written authorization from the attending physician or Police Physician shall be forwarded to the Personnel Sergeant by the member.

IX-G .A member off duty on sickness or disability leave shall notify the Personnel Sergeant whenever he/she will be away from his/her residence in excess of 24 hours. The member will provide the Personnel Sergeant with an address and a phone number where he/she can be contacted."

#### SPECIFICATION NO. 2

Failure to properly notify his Commanding Officer, the Personnel Sergeant or the department, and failure to provide written verification, of his medical condition (violation of Rules J-7-b and M-2-c of Department General Order 11.01 of the San Francisco Police Department);

- (7) Paragraphs 1, 2 and 3 of Specification No. 1 are alleged as though set forth in full;
- (8) The approved "Vacation Request" required the accused to return to duty at Mission Station on January 2, 1995. On January 2, 1995, at 0300 hours, a Sergeant on duty at Mission Station received a telephone call from the accused. The accused was calling from Maesai, Thailand, but did not inform the Sergeant where he was calling from. The accused told the Sergeant that he had Malaria and would be delayed in returning to duty by at least two weeks. The accused requested that he be carried on sick leave. The sergeant instructed the accused that if he was going to be absent more than three days, he must provide a written doctor's verification of his illness to the Commanding Officer of the Mission District. The accused told the Sergeant that he understood;
- (9) The accused did not provide any written confirmation that he was suffering from Malaria, or any disease, to the department as required by Department General Orders and the Civil Service Commission rules. The accused did not provide his Commanding Officer or the Personnel Sergeant with any information, particularly, he did not notify the Personnel Sergeant that he was away from his residence and did not notify the Personnel Sergeant of either an address or telephone number where he could be reached;
- (10) On January 27, 1995, the accused sent a fax to the Chief of Police requesting a medical leave of absence without pay. The fax did not identify the nature of the medical emergency or provide any documentation supporting the request for leave. The department still had not received any confirmation of the illness reported by the accused on January 2, 1995;
- (11) On January 27, 1995, a lieutenant from Mission Station contacted the accused's mother at the address the accused provided on the "Vacation Request" by leaving a note with her husband. The note requested the accused's mother to

inform the accused that his request for further leave was denied and that Officer Ramirez was being carried absent without leave. The note further requested the accused to contact his Commanding Officer personally. The lieutenant was told that they would have to wait for the accused to call them, as he was overseas;

- (12) On February 2, 1995, the department notified the accused that the department intended to terminate him for abandonment of position. The basis for the abandonment was that the accused was carried as Absent Without Leave starting January 6, 1995. The accused was carried absent without leave because he had not provided documentation of his medical condition and had not returned to duty at the end of his authorized leave. In response, on February 13, 1995, the accused called the Management Control investigator investigating his absence by telephone from Maesai, Thailand. The accused was instructed to fax documentation of his illness and contact phone numbers and a contact address to the Management Control Division investigator. The accused did not follow these instructions. On February 17, 1995, the accused faxed a handwritten note to the Chief of Police informing the Chief that he was ill and that he might be able to return to duty on March 1, 1995. The accused also faxed a letter from a Thai doctor which said that the accused was suffering from Amoebic Dysentery. The accused also stated that he had sent a letter regarding his medical condition to the Chief on January 10, 1995. The Chief's office did not receive any notice from the accused until January 23, 1995 and had never received the letter the accused claimed to have sent on January 10, 1995. The accused did not call his commanding officer as he had been instructed, but did call a lieutenant at Richmond Station to discuss the matter with him;

- (13) By failing to notify his commanding officer, the personnel sergeant or the department of his illness and properly forward medical verification of his physical condition, until after the department had terminated him for abandonment of his position, the accused has engaged in conduct which violates Rules J-7-b and M-2-e of Department General Order 11.01 of the San Francisco Police Department, which states:

“J-7 b. Officers, after being absent for three (3) consecutive working days ... shall forward, without unreasonable delay, to their commanding officers a certificate signed by the treating licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, or Christian Science practitioner, stating the reason they cannot report for duty. If the certificate is sent by mail, it shall be mailed by Special Delivery Registered mail.”

“M-2 e. Members on sick or disability leave shall notify the Personnel Sergeant whenever they will be away from their residences in excess of 24 hours and provide an address and phone number where they can be contacted.”

Failure to answer truthfully and without evasion when questioned by Management Control Division investigators (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

- (14) Paragraphs 1, 2 and 3 of SPECIFICATION NO. 1 are recited as though set forth in full;
- (15) On February 13, 1995, the accused contacted the Management Control Division investigator who investigated this matter as an abandonment of position, as the accused did not properly inform the department or provide written materials to the department and was therefore absent without leave. The accused refused to provide addresses or telephone numbers to anyone in the department, therefore the department was unable to contact the accused, even though he spent two months in Maesai, Thailand, where he was allegedly being treated and was recuperating. The accused had access to a telephone at his hotel, he had access to and used fax machines at the local Post Office, at the local hospital and at a friend's place of business in Maesai, Thailand;
- (16) Because the accused did not comply with Department and Civil Service Commission rules regarding sick leave documentation and notice, the accused was carried as absent without leave starting January 6, 1995. The accused was terminated under Civil Service Commission rules interpreting absence from duty without leave for over five days as an automatic resignation. The accused appealed to the Civil Service Commission from this termination;
- (17) In support of his appeal, the accused filed an affidavit with the Civil Service Commission. In the affidavit which the accused executed under penalty of perjury, the accused stated, "I was on pre-approved leave of absence (vacation) for the period October 16, 1994 through January 2, 1995. . . ." In truth, the accused was required to work on October 19, 20 and 21, 1994, and had not received permission to be on leave for those three days. The accused had not worked those days, he was carried on sick leave for those days and has never documented his illness for those days. The accused also stated that he sent a doctor's notice as soon as he could. The accused stated that the Sergeant he notified of his illness instructed him to fax the doctor's letter to the Office of the Chief of Police. The accused also stated he faxed a copy of a doctor's letter to the Chief's office on January 10, 1995. The sergeant did not instruct the accused to send a notice to the Chief of Police and no fax was received from the accused until January 23, 1995. The false statements in the accused's affidavit were material to the Civil Service Commission decision in the matter disapproving the automatic resignation;
- (18) The accused refused to provide documentary evidence which was available to him concerning his original itinerary and the changes he made in his airline tickets which were requested and when he was asked about the whereabouts of the information, the accused affected a poor memory, stating that he did not recall being asked to provide the information which was easily available from the travel agent and the airlines, who refused to turn the

materials over to the investigators without the permission of the accused;

- (19) By failing to cooperate with Management Control Division Investigators when he was in Thailand and after he returned to duty and by filing a false declaration with the Civil Service Commission regarding this matter, the accused has engaged in conduct which constitutes a violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department, which states;

"COOPERATION WITH INVESTIGATORS. "Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding. (see DGO 2.08, Peace Officers' Rights)."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 15, 1997, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Donald R. Ramirez' plea of guilty, the Commission finds that the allegations contained in Specifications No. 1, 2, and 3, as preferred by Chief of Police Fred H. Lau against Officer Ramirez, are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

SPECIFICATION NO. 3

Sustain

Sixty (60) days suspension;

FURTHER RESOLVED, that said sixty (60) days suspension shall commence at 0001 hours on Sunday, January 19, 1996, and end at 2400 hours on Wednesday, March 19, 1996.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**HEARING OF POLICE OFFICER ROBERT L. HART, SUPPORT SERVICES DIVISION (FILE NO. C56-208 JWA)**

The hearing of Police Officer Robert L. Hart, Support Services, was called it having been set for this date. Officer Hart was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Robert L. Hart appeared in person and was represented by Mr. Randall Knox, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Knox entered a plea of guilty on Specification No. 1 on behalf of Officer Hart. Officer Hart personally affirmed entry of guilty plea in these matters.

The Commission took the matter under submission finding him guilty on Specification No. 1.

Based on those findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Hart be terminated. *The Chief affirmed his recommendation of termination on the understanding that the Commission, in the exercise of its discretion, may impose a different penalty.*

*The Commission indicated a recommendation that the termination should be modified as follows; that the termination be held in abeyance for five (5) years on the following conditions:*

1. Officer Hart be suspended for 90 days.
2. After completion of the suspension, Officer Hart shall report to the Police Academy and commence training with the most advanced recruit class then in session. Officer Hart is required to start and successfully complete the full course of the next Field Training Officer Program starting after his completion of the academy training. Officer Hart shall complete the usual Field Training Program, including all usual and reasonable remediation to assist him. The commanding officer of the Field Training Officer Program shall monitor his progress and determine if he has successfully completed the program. The Commanding Officer shall notify the Commission of his or her determination and recommendation in writing.

If the commanding officer reports that Officer Hart has failed to successfully complete the program, the Chief of Police requests that the Commission, as a continuation of this disciplinary matter, hold a hearing to determine if the termination should be imposed.

3. For the full five years the termination is held in abeyance,

Officer Hart shall, subject to the determination of the Department Psychologist, be required to participate in counseling. Officer Hart shall report forthwith to the department psychologist for interview, assessment and, if appropriate prescription of a course of counseling. The department psychologist shall monitor any such counseling and make a quarterly report back to the Commission of Officer Hart's participation and progress.

4. Officer Hart shall not engage in any further violations of Department rules and regulations including all academy regulations.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 16-97**

**DECISION - HEARING OF OFFICER ROBERT HART, SUPPORT SERVICES**

WHEREAS, on May 17, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Robert L. Hart, as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned ROBERT L. HART, Star Number 568, (hereinafter referred to as "the accused") was a probationary police officer employed by the San Francisco Police Department assigned to the Tenderloin Task force of the Field Operations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On December 20, 1995, the accused worked from 0600 hours to 1400 hours at the Tenderloin Task Force;
- (4) On December 20, 1995 at 2048 hours, while driving Southbound on the 1400 block of 17th Avenue nearing its intersection with 14th Street in Oakland, California, the accused saw a woman standing on the corner; the accused stopped his automobile, they made eye contact and the accused waved the woman over to his car; the woman then walked across the street to the driver's side door of his automobile where she and the accused engaged in conversation;

- 10
- (5) The woman who came to the accused's automobile while it was stopped on 17<sup>th</sup> Avenue was an Oakland Police Department Officer working as a decoy in the Undercover Prostitution Detail (the "decoy"); the accused solicited a sex act from the decoy and a price for the act was agreed on; the decoy told the accused that she had a room in the motel across the street on the 1300 block of 17<sup>th</sup> Avenue, near where she had been standing when the decoy and the accused first made eye contact; the decoy told the accused to drive his automobile across the street and to park on the street by the parking lot;
  - (6) The accused followed the decoy's directions, drove his car down the street, performed a U-turn and returned to the curb area in the 1300 Block of 17<sup>th</sup> Avenue; the accused parked where the decoy had directed him to park; other Oakland Police Officers on the Prostitution Detail then arrested the accused, cited him for violation of Penal Code §647(b) and released him;
  - (7) California Penal Code 647(b), states:

***"§647. Disorderly conduct; Restrictions on probation.***  
*Any person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:*  
. . . .

*(b) Who solicits or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration."*

- (8) The accused by soliciting and agreeing to an act of prostitution with an undercover police officer decoy and then taking steps to follow through with the act engaged in conduct which would violate California Penal Code §647(b), a violation of Rule 9 of Department General Order 2.01, which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

and

WHEREAS, a hearing on said charges was held before the Police

Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Monday, November 18, 1996 and Wednesday, January 15, 1997, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Robert Hart's plea of guilty, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Fred H. Lau against Officer Hart, are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

and

that Officer Hart be terminated, but that said termination be held in abeyance for five (5) years on the following conditions:

1. Officer Hart be suspended for 90 days.
2. After completion of the suspension, Officer Hart shall report to the Police Academy and commence training with the most advanced recruit class then in session. Officer Hart is required to start and successfully complete the full course of the next Field Training Officer Program starting after his completion of the academy training. Officer Hart shall complete the usual Field Training Program, including all usual and reasonable remediation to assist him. The commanding officer of the Field Training Officer Program shall monitor his progress and determine if he has successfully completed the program. The Commanding Officer shall notify the Commission of his or her determination and recommendation in writing.

If the commanding officer reports that Officer Hart has failed to successfully complete the program, the Chief of Police requests that the Commission, as a continuation of this disciplinary matter, hold a hearing to determine if the termination should be imposed.

3. For the full five years the termination is held in abeyance, Officer Hart shall, subject to the determination of the Department Psychologist, be required to participate in counseling. Officer Hart shall report forthwith to the department psychologist for interview, assessment and, if appropriate prescription of a course of counseling. The department psychologist shall monitor any such counseling and make a quarterly report back to the Commission of Officer Hart's participation and progress.
4. Officer Hart shall not engage in any further violations of Department rules and regulations including all academy regulations.

FURTHER RESOLVED, that said ninety (90) days suspension shall commence on Saturday, January 25, 1997, at 0001 hours and end on Thursday, April 24, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Kcker, Norman, Hewlett, Salinas, Chan

Thereafter, the meeting was adjourned at 9:10 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/re

APR 11 1998



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, JANUARY 22, 1997  
5:30 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
  - a. Motion on Calendaring of New Items
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Officer Nadim P. Totah, Jr., EEO Unit  
(File No. C96-153[306]JWA)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Sergeant Robert G. Hartmann, Support Services Division  
(File No. C96-152[305]JWA)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Inspector Victor M. Fleming, Jr., General Works Detail  
(File No. C97-001 JWA)
8. Chief's Report to the Police Commission
9. OCC Director's Report to the Police Commission
10. Discussion and Action re: Authorization for the Chief of Police to Execute a Hold Harmless Agreement with the State of California regarding Criminal Investigation Training

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FURTHER RESOLVED, that said ninety (90) days suspension shall commence on Saturday, January 25, 1997, at 0001 hours and end on Thursday, April 24, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

APR 11 1998



# The Police Commission

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CITY AND COUNTY OF SAN FRANCISCO

## SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, JANUARY 22, 1997  
5:30 p.m.

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

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LT. MANUEL BARRETTA  
Secretary

11. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
12. Hearing on Motions to Dismiss Charges filed Against Sergeant Stephen Zimmerman, Officers Gregory Neal, Gerald Louie, Kirk Bozin, Marc Andaya  
  
Government Code Section 54957  
Possible Closed Session/Public Employee Discipline  
Re: Charges filed Against Sergeant Stephen Zimmerman, Officers Gregory Neal, Gerald Louie, Kirk Bozin, Marc Andaya

### CONSENT CALENDAR

1. Request of the Chief of Police to Accept a gift of \$1,000.00, from Macy's West, for use of the Crime Prevention Company/Mounted Unit

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance*

THOMAS J. CASH, CHIEF OF POLICE, 300 BAY STREET, SAN FRANCISCO, CA 94102-4603, TEL 553-1660, FAX (415) 553-1669



JANUARY 22, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Salinas, Chan

DOCUMENTS DEPT.

APPROVAL OF CONSENT CALENDAR

APR 08 1998

RESOLUTION NO. 17-97

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APPROVAL TO ACCEPT A GIFT OF \$1,000.00, FROM MACY'S  
WEST, FOR USE OF THE CRIME PREVENTION  
COMPANY/MOUNTED UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a gift of \$1,000.00, from Macy's West, for use of the Crime Prevention Company/Mounted Unit.

AYES: Commissioners Keker, Norman, Hewlett, Salinas,  
Chan

POLICE COMMISSION REPORT

None

RESOLUTION NO. 18-97

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY  
CHARGES FILED AGAINST OFFICER NADIM P. TOTAH, JR.,  
EEO UNIT (FILE NO. C96-153[306]JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Nadim P. Totah, Jr., EEO Unit, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Totah; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Nadim P. Totah, Jr., and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

RESOLUTION NO. 19-97

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY  
CHARGES FILED AGAINST SERGEANT ROBERT G.  
HARTMANN, SUPPORT SERVICES DIVISION,  
(FILE NO. C96-152[305]JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Robert G. Hartmann, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Hartmann; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Robert G. Hartmann, and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 20-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR VICTOR M. FLEMING, JR., GENERAL WORKS DETAIL  
(FILE NO. C97-001 JWA)**

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Victor M. Fleming, Jr., General Works Detail, was called it having been set for this date; and

WHEREAS, Commissioner James Salinas is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Fleming; therefore be it

RESOLVED, that Commissioner Salinas is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Victor Fleming, Jr., and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Deputy Chief Holder talked about Operation Dream's 4th Annual Toy Drive and Coat Drive. They collected 700 coats and 1200 children received toys. He thanked members of the department who participated especially Sgt. Forrester, Sgt. Lindo, Captain Fong, Officers Blackwell and Crisp, Commander Pengel, Asst. Chief Sanders and Chief Lau and the Marines for their participation in this program.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Director Dunlap defers report.

**RESOLUTION NO. 21-97**

**APPROVAL AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A HOLD HARMLESS AGREEMENT WITH THE STATE OF CALIFORNIA REGARDING CRIMINAL INVESTIGATION TRAINING**

WHEREAS, the State of California, through its Commission on Peace Officer Standards and Training wishes to contract with the San Francisco Police Department to provide training for the Institute of Criminal Investigation; and

WHEREAS, the San Francisco Police Department wishes to provide the investigative training; and

WHEREAS, Board of Supervisors approval is required because the contract between the State of California and the San Francisco Police Department requires execution of a hold harmless agreement; now

therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the attached resolution authorizing the Chief of Police to execute the contract and hold harmless agreement on behalf of the San Francisco Police Department.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

### **PUBLIC COMMENTS**

Reverend Ed discussed concerns regarding Marc Andaya/Aaron Williams matter and asked that Officer Andaya be removed from the department.

Van Jones, Police Watch, discussed concerns regarding Aaron Williams' case and asked the Commission to fire Marc Andaya.

Lavoria Smore discussed concerns regarding Aaron Williams and police actions against her son.

Raquel Moreno discussed concerns regarding actions of police.

Tony asked that Andaya be fired.

Patricia discussed concerns regarding actions of police.

Charlene Patton discussed actions of police and brutality.

Unidentified asked that Andaya be fired.

Keith McHenry, Food Not Bombs, discussed concerns regarding Aaron Williams' case and discussed concerns regarding coats and shoes from the homeless and discussed actions of Leroy Lindo.

Gerard Koskavich discussed actions of police and brutality and misconduct.

William Bowser discussed concerns regarding Andaya matter.

Nolan Williams, friend of Williams' family, discussed concerns regarding Williams' case and asked that Andaya be fired.

Louise Vaughn discussed actions of police.

Gerald Smith, Copwatch, discussed concerns regarding actions of police.

Judith Appel, Coalition on Homeless, discussed police actions against homeless and asked that Andaya be fired.

Commissioner Norman makes a statement.

Joe Heshman discussed concerns.

Unidentified discussed actions of police.

Judy Brown discussed concerns regarding Andaya and asked that he be fired.

Marilyn McNeal discussed police actions.

Johnny LaBond asked that the department "get rid of bad cops."

Jose discussed actions of police.

Cornelius Hall discussed actions of police.

Joyce Miller asked that Andaya be fired.

Rashida Grana discussed concerns regarding Aaron Williams' matter.

Unidentified discussed concerns regarding actions of police.

Mike McLoon asked that Andaya be fired.

### **HEARING ON MOTIONS TO DISMISS CHARGES FILED AGAINST SERGEANT STEPHEN ZIMMERMAN, OFFICERS GREGORY NEAL, GERALD LOUIE, KIRK BOZIN, MARC ANDAYA**

Motion to dismiss is denied.

Hearing is set for February 1st at 9:00 a.m., Saturday and witness list be exchanged January 28th.

Thereafter, the meeting was adjourned at 8:20 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc



# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

## SAN FRANCISCO POLICE COMMISSION AGENDA REGULAR MEETING WEDNESDAY, JANUARY 29, 1997 6:00 p.m.

**INGLESIDE DISTRICT**  
*Corpus Christi Church Hall*  
*62 Santa Rosa Avenue*  
*San Francisco, CA*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Disciplinary Charges filed against Inspector Gregory Ovanessian (File No. C56-271 JWA)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Disciplinary Charges filed against Inspector Daniel J. Yawczak (File No. C56-272 JWA)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Michael Dempsey, Richmond Station (File No. C56-138 DTC)
6. Police Commission Report
  - a. Motion of Calendaring of New Items
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Captain Gregory Corrales, Commanding Officer of Ingleside Station, to Address the Commission on Police Activities in the Ingleside District
10. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

### **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE** (Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**

Thereafter, the meeting was adjourned at 8:20 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

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## POLICE COMMISSION MEETING

Wednesday, January 29, 1997 6 PM

CORPUS CHRISTI CHURCH HALL  
62 Santa Rosa Avenue

**You are Cordially Invited to Attend**

**Come and meet the San Francisco Police Commission.  
There will be a public comment session during the meeting. (\*)**

(\*) Members of the public may address the Commission for up to three minutes for individuals, or up to five minutes for groups. The President of the Commission may limit the total public comment time.



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SAN FRANCISCO  
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The Police Commission of the City and County of San Francisco met in the Ingleside District, Corpus Christi Church Hall, 62 Santa Rosa Avenue, San Francisco, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Salinas, Chan

(\*Commissioner Norman arrived at 6:15 p.m.)

Commissioner Keker welcomed the audience and introduced the command staff and described the duties of the Commission.

RESOLUTION 22-97

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
ON ADDITIONAL DISCIPLINARY CHARGES FILED AGAINST  
INSPECTOR GREGORY L. OVANESSIAN, BURGLARY DETAIL  
(FILE NO. C56-271 JWA)**

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Gregory L. Ovanessian, Burglary, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Ovanessian; therefore be it

RESOLVED, that Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Gregory L. Ovanessian and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

RESOLUTION 23-97

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
ON ADDITIONAL CHARGES FILED AGAINST INSPECTOR  
DANIEL J. YAWCZAK, FRAUD DETAIL (FILE NO. C56-272 JWA)**

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Daniel J. Yawczak, Fraud Detail, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Yawczak; therefore be it

RESOLVED, that Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Daniel J. Yawczak and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

RESOLUTION 24-97

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT  
MICHAEL DEMPSEY, RICHMOND STATION  
(FILE NO. C56-138 DTC)**

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Michael Dempsey, Richmond Station, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Dempsey; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Michael Dempsey and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

#### **POLICE COMMISSION REPORT**

Commissioner Keker stated he talked to J.A.M.S. to take evidence in disciplinary cases. He stated that Retired Judge Roy Wonder is willing to participate.

Commissioner Keker stated there will be no meeting on February 5th. Next meeting will be February 12th.

#### **CHIEF'S REPORT TO THE POLICE COMMISSION**

Assistant Chief Sanders addressed the Commission and discussed the progress in Community Policing goals in the districts. Chief Sanders further discussed the new Potrero Station and the 911 station.

#### **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, discussed the duties and responsibilities of the OCC.

#### **CAPTAIN GREGORY CORRALES, COMMANDING OFFICER OF INGLESIDE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT**

Captain Corrales as described police activities, community policing and problem solving in the Ingleside District.

Officer Debbie Adams, School Resource Office, described duties.

Captain Corrales also discussed graffiti and gangs in the district.

#### **PUBLIC COMMENTS**

Father Ben Belaney, Pastor of Parish, stated it was a pleasure to host the meeting and discussed youth center.

Diandre Better discussed Aaron Williams' case and meeting locations.

Keith McHenry, Food Not Bombs, discussed concerns regarding actions of police and concerns regarding Aaron Williams' case.

Matthew Dodd discussed concerns regarding homeless and the Aaron Williams case.

Thereafter, the meeting was adjourned at 7:25 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS  
POLICE COMMISSION MEETING**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meeting on *Wednesday, February 5, 1997*. The next Police Commission Regular Meeting will be on Wednesday, February 12, 1997, at 5:30 p.m., in the Hall of Justice, Room 551.

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Michael Dempsey, Richmond Station, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Dempsey; therefore be it



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS  
POLICE COMMISSION MEETING  
SATURDAY, FEBRUARY 8, 1997**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street  
San Francisco, California*

**\* SPECIAL MEETING**

**ROOM 551  
9:00 A.M.**

JOHN KIEKER  
President

RAT MOKHANI  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

ROQUELLE F. WOOD  
Commissioner

LT. MANUEL BARRETTA  
Secretary

Hearing and Taking of Evidence on Disciplinary Charges Filed Against Sergeant Stephen Zimmerman and Officers Marc Andaya, Gerald Louie, Kirk Bozin and Gregory Neal

Government Code Section 54957

Possible Closed Session/Public Employee Discipline

Re: Disciplinary Charges filed against Sergeant Stephen Zimmerman and Officers Marc Andaya, Gerald Louie, Kirk Bozin and Gregory Neal

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FEBRUARY 8, 1997

SPECIAL MEETING

HEARING OF SERGEANT STEPHEN ZIMMERMAN, JUVENILE  
(FILE NO. C56-111 BSK), OFFICER KIRK BOZIN, RICHMOND  
(FILE NO. C56-114 BSK), OFFICER GREGORY NEAL,  
NARCOTICS (FILE NO. C56-113 BSK), OFFICER GERALD  
LOUIE, PLANNING (FILE NO. C56-115 BSK), AND OFFICER  
MARC ANDAYA, HEADQUARTERS (FILE NO. C56-112)

The hearing of Sergeant Stephen Zimmerman, Officers Kirk Bozin, Gregory Neal, Gerald Louie and Marc Andaya was called it having been set for this date.

Sergeant Zimmerman was charged with violating the Rules and Procedures as follows: DOCUMENTS DEPT.

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CHARGE NO. 1

Neglect of Duty (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

CHARGE NO. 2

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and Section I.3 of General Order 5.01 of the San Francisco Police Department);

CHARGE NO. 3

Neglect of Duty (a violation of General Order 1.04 of the San Francisco Police Department);

*Charge No. 1 against Sergeant Zimmerman was withdrawn by the OCC on September 18, 1996.*

Officer Kirk Bozin was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Neglect of Duty (a violating of Rule 35 of General Order 2.01 and Section I.3 of General order 5.01 of the San Francisco Police Department);

CHARGE NO. 2

Neglect of Duty (a violation of Section N 1b and N 2 of General Order 5.01 of the San Francisco Police Department);

Officer Gregory Neal was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and Section I.3 of General Order 5.01 of the San Francisco Police Department);

CHARGE NO. 2

Neglect of Duty (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

Charge No. 2 against Officer Neal was withdrawn by the OCC on September 18, 1996.

Officer Gerald Louie was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Neglect of Duty (a violating of Rule 35 of General Order 2.01 and Section I.3 of General Order 5.01 of the San Francisco Police Department);

CHARGE NO. 2

Neglect of Duty (a violation of Section N 1b and N 2 of General Order 5.01 of the San Francisco Police Department);

Officer Marc Andaya was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Neglect of Duty (a violating of Rule 21 of General Order 2.01 of the San Francisco Police Department);

CHARGE NO. 2

Unnecessary Use of Force (a violation of General Order 5.01 of the San Francisco Police Department);

CHARGE NO. 3

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and Section I.3 of General Order 5.01 of the San Francisco Police Department);

Charge No. 1 against Officer Andaya was withdrawn by the OCC on September 18, 1996; Charge No. 2 against Officer Andaya was not sustained by the Police Commission after failing to reach a majority vote to sustain the charges on November 20, 1996.

These officers were charged with violating the Rules and Procedures of the San Francisco Police Department in properly verified complaints by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Sergeant Stephen Zimmerman appeared in person and was represented by Mr. Robert Moore, Attorney at Law.

Officer Kirk Bozin and Officer Gregory Neal appeared in person and were represented by Mr. James Lassart, Attorney at Law.

Officer Gerald Louie appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Officer Marc Andaya appeared in person and was represented by Mr. James Collins, Attorney at Law.

Ms. Diane Chin and Mr. Mark Jensen, Attorneys at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Opening statement was made by Ms. Chin for the Prosecution.

Opening statements were made by Mr. Lassart, Mr. Moore and Ms. Mahoney for the Defense.

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Richard Lee  
 Officer Ben Dorcy  
 Officer Gregory Neal  
 Officer Gerald Louie  
 Officer Kirk Bozin  
 Officer Marc Andaya  
 Sergeant Stephen Zimmerman  
 Doctor Boyd Stephens

The following witnesses were called by the Defense, were sworn and testified:

Officer Gregory Neal  
 Officer Catherine Bianchi  
 Lieutenant Edgar Springer

Closing statements were made by Ms. Chin and Mr. Jensen on behalf of the Prosecution.

Closing statements were made by Mr. Moore, Mr. Lassart, Ms. Mahoney and Mr. Collins on behalf of the Defense.

The Commission took the matter under submission, recessed and returned with the following dispositions:

***\*Officer Gerald Louie; Charge 1 not sustain & Charge 2 sustain.***

***\*Officer Kirk Bozin; Charge 1 not sustain & Charge 2 sustain***

Officer Gregory Neal; Charge 1 sustain  
 Sergeant Stephen Zimmerman; Charges 2 & 3 sustain  
 Officer Marc Andaya; Charge 3 sustain

Based on those findings, the Commission requested a recommendation from Assistant Chief of Police Earl Sanders. It is the recommendation of Assistant Chief Sanders that:

Officer Gerald Louie be suspended for 20 days; 10 days held in abeyance for two years and retraining.

Officer Kirk Bozin be suspended for 20 days; 10 days held in abeyance for two years and retraining.

Officer Gregory Neal be suspended for 30 days and retraining.

Sergeant Stephen Zimmerman be terminated; said termination held in abeyance for two years; 90 days suspension; retraining and no supervisory duties until he completes retraining.

Officer Marc Andaya be terminated.

The Commission again took the matter under submission, recessed and returned and the following resolution was adopted:

RESOLUTION NO. 31-97

DECISION - HEARING OF SERGEANT STEPHEN ZIMMERMAN, JUVENILE (FILE NO. C56-111 BSK), OFFICER KIRK BOZIN, RICHMOND (FILE NO. C56-114 BSK), OFFICER GREGORY NEAL, NARCOTICS (FILE NO. C56-113 BSK), OFFICER GERALD LOUIE, PLANNING (FILE NO. C56-115 BSK), AND OFFICER MARC ANDAYA, HEADQUARTERS (FILE NO. C56-112)

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WHEREAS, on November 20, 1995, Anthony D. Ribera, former Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Stephen Zimmerman, Officers Kirk Bozin, Gregory Neal, Gerald Louie and Marc Andaya, as follows:

SERGEANT STEPHEN ZIMMERMAN, Juvenile (File No. C56-111 BSK)

CHARGE NO. 1

Neglect of Duty (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department).

- (1) At all times herein mentioned, Stephen Zimmerman, Star Number 1355 (hereinafter referred to as "the accused") was a police sergeant employed by the San Francisco Police Department;
- (2) As a police sergeant, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) The accused was interviewed by the Office of Citizen Complaints;
- (4) During his interview with the Office of Citizen Complaints, the accused was questioned about his involvement in the arrest of Aaron Williams;
- (5) The accused told the OCC that Mr. Williams was resistive, and struggling after being fully restrained and while being placed in the police van;
- (6) The accused told the OCC that he observed Mr. Williams continue to struggle while being placed in the police van;
- (7) The accused told the OCC he saw Mr. Williams rolled on to his right side after being placed in the van;
- (8) The evidence, including testimony of other officers, indicate these statements are not true, and as such constitute a violation of Rule 21 of General Order 2.01, which states:

"Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasions."

CHARGE NO. 2

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and

Section I.3 of General Order 5.01 of the San Francisco Police Department);

- (9) The accused admitted to knowing O.C. had been sprayed on Mr. Williams during his arrest;
- (10) The accused is responsible for all bulletins and training given to him by the department, including training on the monitoring of prisoners on whom O.C. has been sprayed;
- (11) The accused is responsible for medical treatment and monitoring of all sprayed suspects pursuant to General Order 5.01 Section I.3., and Department Bulletins 94-141 and 94-177;
- (12) Despite this duty, the accused did not monitor or treat Mr. Williams as required and Mr. Williams expired.

### CHARGE NO. 3

Neglect of Duty (a violation of General Order 1.04 of the San Francisco Police Department);

- (13) The accused was a sergeant at the time of the confrontation with Mr. Williams and as such is responsible for following all the provisions of General Order 1.04 of the San Francisco Police Department;
- (14) The accused was aware of the violent nature of the struggle to arrest Mr. Williams; was aware of the use of O.C. on Mr. Williams and was aware of the use of force on Mr. Williams;
- (15) Despite this knowledge, the accused did not see to the medical attention of Mr. Williams a dereliction of supervisory duty;
- (16) The accused did not conduct a use of force investigation as required in General Order 5.01 I N-3 in that he did not ascertain the type of force used, the names of witnesses, the injuries to the suspect and the logging of this information in reports;
- (17) The above constitute a violation of the Duties of Sergeants as outline in General Order 1.04;

OFFICER KIRK BOZIN, Richmond (File No. C56-114 BSK)

### CHARGE NO. 1

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and Section I.3 of General Order 5.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Kirk Bozin, Star Number 814 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

- (3) The accused admitted to using O.C. spray on Mr. Williams during his arrest;
- (4) The accused is responsible for all bulletins and training given to him by the department, including training on the monitoring of prisoners on whom O.C. has been sprayed;
- (5) The accused is responsible for medical treatment and monitoring of all sprayed suspects pursuant to General Order 5.01 Section I.3 and Departmental Bulletins 94-141 and 94-177;
- (6) Despite this duty, the accused did not monitor or treat Mr. Williams as required and Mr. Williams expired;

CHARGE NO. 2

Neglect of Duty (a violation of Section N 1b and N 2 of General Order 5.01 of the San Francisco Police Department);

- (7) The accused is required to report the use of O.C. pursuant to Sections N 1b and N 2 of General Order 5.01;
- (8) The accused failed to do so in violation of the General Order;

OFFICER GREGORY NEAL, Narcotics (File No. C56-113 BSK)

CHARGE NO. 1

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and Section I.3 of General order 5.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Gregory Neal, Star Number 1278 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) The accused admitted to knowing Mr. Williams had been sprayed with O.C. during his arrest;
- (4) The accused is responsible for all bulletins and training given to him by the department, including training on the monitoring of prisoners on whom O.C. has been sprayed;
- (5) The accused is responsible for medical treatment and monitoring of all sprayed suspects pursuant to General Order 5.01 Section I.3. and Departmental Bulletins 94-141 and 94-177;
- (6) Despite this duty, the accused did not monitor or treat Mr. Williams as required and Mr. Williams expired;

CHARGE NO. 2

Neglect of Duty (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

- (7) The accused was interviewed by the Office of Citizen Complaints;
- (8) During his interview with the Office of Citizen Complaints, the accused was questioned about his involvement in the arrest of Aaron Williams;
- (9) The accused told the OCC that Mr. Williams was resistive, talkative and struggling after being fully restrained and while being placed in the police van;
- (10) The accused told the OCC that he observed Officer Zarich enter the van with Mr. Williams;
- (11) The accused told the OCC he saw Mr. Williams placed on his right side in the van;
- (12) The evidence, including testimony of other officers, indicate these statements are not true, and as such constitute a violation of Rule 21 of General Order 2.01, which states:

“Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion.”

OFFICER GERALD LOUIE, Planning (File No. C56-115 BSK)

CHARGE NO. 1

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and Section I.3 of General Order 5.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Gerald Louie, Star Number 1795 (hereinafter referred to as “the accused”) was a police officer employed by the San Francisco Police Department;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) The accused admitted to spraying Mr. Williams with O.C. during his arrest;
- (4) The accused is responsible for all bulletins and training given to him by the department, including training on the monitoring of prisoners on whom O.C. has been sprayed;
- (5) The accused is responsible for medical treatment and monitoring of all sprayed suspects pursuant to General Order 5.01 Section I.3. and Departmental Bulletins 94-141 and 94-177;
- (6) Despite this duty, the accused did not monitor or treat Mr. Williams as required and Mr. Williams expired;

CHARGE NO. 2

Neglect of Duty (a violation of Section N 1b and N 2 of General Order 5.01 of the San Francisco Police Department);

- (7) The accused is required to report the use of O.C. pursuant to sections N 1b and N 2 of General Order 5.01;
- (8) The accused failed to do so in violation of the General Order;

OFFICER MARC ANDAYA, Headquarters (File No. C56-112 BSK)

CHARGE NO. 1

Neglect of Duty (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Marc Andaya, Star Number 1608 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) The accused was interviewed by the Office of Citizen Complaints;
- (4) During his interview with the Office of Citizen Complaints, the accused was questioned about his involvement in the arrest of Aaron Williams;
- (5) The accused told the OCC that Mr. Williams was resistive, talkative and struggling after being fully restrained and while being placed in the police van;
- (6) The evidence, including testimony of other officers, indicate these statements are not true, and as such constitute a violation of Rule 21 of General Order 2.01, which states:

"Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion."

CHARGE NO. 2

Unnecessary Force (a violation of General Order 5.01 of the San Francisco Police Department);

- (7) The accused did kick Mr. Williams in and about the head area several times in violation of General Order 5.01, which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type of degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

CHARGE NO. 3

Neglect of Duty (a violation of Rule 35 of General Order 2.01 and Section I.3 of General Order 5.01 of the San Francisco Police

Department);

- (8) The accused admitted to knowing Mr. Williams had been sprayed with O.C.;
- (9) The accused is responsible for all bulletins and training given to him by the department, including training on the monitoring of prisoners on whom O.C. has been sprayed;
- (10) The accused is responsible for medical treatment and monitoring of all sprayed suspects pursuant to General Order 5.01 Section I.3 and Departmental Bulletins 94-141 and 94-177;
- (11) Despite this duty, the accused did not monitor or treat Mr. Williams as required and Mr. Williams expired;

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Saturday, February 8, 1997, and on Saturday, February 8, 1997, the matter was submitted to the Police Commission for decision; and

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

***SERGEANT STEPHEN ZIMMERMAN:***

Charge No. 1 - Withdrawn

Charge No. 2 - Sustain

Charge No. 3 - Sustain

Termination; said termination held in abeyance for two (2) years; Ninety (90) days suspension; Retraining and no supervisory duties until he completes retraining.

FURTHER RESOLVED, that said ninety (90) days termination shall commence on Saturday, March 1, 1997, at 0001 hours and end on Thursday, May 29, 1997, at 2400 hours.

AYES: Commissioners Keker, Norman, Hewlett, Salinas,  
Chan

***OFFICER KIRK BOZIN:***

***\*Charge No. 1 - Not Sustain***

Charge No. 2 - Sustain

Twenty (20) days suspension; ten (10) days imposed, ten (10) days held in abeyance for two (2) years and retraining.

FURTHER RESOLVED, that said ten (10) days suspension shall start on Saturday, February 22, 1997, at 0001 hours and end on Monday, March 3, 1997, at 2400 hours.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**OFFICER GREGORY NEAL:**

Charge No. 1 - Sustain

Charge No. 2 - Withdrawn

Thirty (30) days suspension and retraining.

FURTHER RESOLVED, that said thirty (30) days suspension shall start on Saturday, March 1, 1997, at 0001 hours and end on Sunday, March 30, 1997, at 2400 hours.

AYES: Commissioners Keker, Norman, Hewlett, Salinas,  
Chan

**OFFICER GERALD LOUIE:**

*\*Charge No. 1 - Not Sustain*

Charge No. 2 - Sustain

Twenty (20) days suspension; ten (10) days imposed, ten (10) days held in abeyance for two (2) years and retraining.

FURTHER RESOLVED, that said ten (10) days suspension shall start on Saturday, February 22, 1997, at 0001 hours and end on Monday, March 3, 1997, at 2400 hours.

AYES: Commissioners Keker, Norman, Hewlett, Salinas,  
Chan

**OFFICER MARC ANDAYA:**

Charge No. 1 - Withdrawn

Charge No. 2 - Dismissed

Charge No. 3 - Sustain

Termination; said termination held in abeyance for two (2) years; Ninety (90) days suspension and retraining.

FURTHER RESOLVED, that said ninety (90) days suspension shall start on Wednesday, February 12, 1997, at 0001 hours and end on Monday, May 12, 1997, at 2400 hours.

AYES: Commissioners Keker, Hewlett, Salinas  
NAYS: Commissioners Norman, Chan

Recesses taken during the hearing of Sergeant Zimmerman, Officers Neal, Bozin, Louie and Andaya:

9:43 a.m. - 9:57 a.m.

12:08 p.m. - 12:14 p.m.

1:05 p.m. - 1:40 p.m.

3:10 p.m. - 3:15 p.m.

3:42 p.m. - 5:20 p.m.

5:30 p.m. - 6:20 p.m.

6:35 p.m. - 7:00 p.m.

7:15 p.m. - 7:50 p.m.

If these decisions are subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

(The entire proceedings were taken in shorthand form by Ms. Mary Ann Zimmerer, CSR.)

Thereafter, the meeting was adjourned.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, FEBRUARY 12, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of August 14, 1996 & August 28, 1996
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion on Calendaring of New Items
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Disciplinary Charges Filed Against Officer Nadim P. Totah, Jr., EEO Unit (File No. C56-093 JWA)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Officer William J. Banas, Solos (File No. C96-165[318]JWA)
8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Officer William M. Garcia, Park Station (File No. C56-207 JWA)
9. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Officer Robert Walker, Southern Station (File No. C56-241 DC)
10. Chief's Report to the Police Commission
11. OCC Director's Report to the Police Commission
12. Presentation of 1996 OCC Annual Report





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, FEBRUARY 12, 1997  
5:30 p.m.

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

13. Discussion and Action re: Revised General Order 2.06, "Vehicle Collisions Involving Members," General Order 3.07, "Department Accident Board of Review," and General Order 5.05, "Response and Pursuit Driving" LT. MANUEL BARRETTA  
General
14. Discussion and Action re: Revised General Order 3.13, "Field Training Program"
15. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
16. Hearing and Disposition on Disciplinary Charges filed against Officers Richard Benjamin, Anthony Gomes and Carl A. Payne, Central Station  
(File Nos. C56-040, C56-042 & C56-041 JWA)

Government Code Section 54957

Possible Closed Session/Public Employee Discipline

Re: Disciplinary Charges filed Against Officers Richard Benjamin, Anthony Gomes and Carl A. Payne

CONSENT CALENDAR

1. Request of the Chief of Police to for Approval of Taxicab Owner's Permits for the following individuals:

Ras Desta	Tu Lam	Kamel Heishan
James Neilly	Salem Heisham	Thanh Nguyen
Robert Henriquez	Jamil Sweidan	Terry Hensley
Nishan Sweis		

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE  
(Chapter 67 of the San Francisco Administrative Code)

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THOMAS J. CAMPBELL, CHIEF OF POLICE, 350 BRYANT ST., RM. 500, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669



**FEBRUARY 12, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting

PRESENT: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**APPROVAL OF MINUTES OF MEETINGS OF AUGUST 14, 1996  
AND AUGUST 28, 1996**

Approval of minutes of meetings of August 14, 1996 and August 28, 1996, the Commissioners having received, approved and returned copies of same.

Minutes approved 5-0.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 25-97**

**APPROVAL OF TAXICAB OWNER'S PERMITS**

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Ras Desta	Tu Lam	Kamel Heishan
James Neilly	Salem Heisham	Thanh Nguyen
Robert Henriquez	Jamil Sweidan	Terry Hensley
Nishan Swcis		

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**POLICE COMMISSION REPORT**

Commissioner Keker discussed letter sent to him by a citizen which appeared to be the findings of the Citizens Review Board in the complaint of Raymond Lewis in a matter involving Officer Andaya in Oakland in 1991. Complaint was made in Oakland's Internal Affairs which was not sustained. Complainant then appealed to the Citizens Review Board in Oakland which considered the matter on the complainant testimony and the police report of Officer Andaya and his partner. The report described a different scenario than that of the complainant's. The Review Board recommended that the City Manager review and take appropriate action and that's as far as the records go. Copies should be sent to all commissioner, the department, the OCC and the Chief will have that information. The Chief was also asked to investigate to determine whether or not, at the time Officer Andaya applied to enter the department, there was information about him that the department should have had and if that's true, who's at fault. Investigation should be completed sometime next week.

Commissioner Keker also asked the City Attorney to advise the Commissioners on, if and under what conditions, to reopen an administrative hearing after its been concluded and also what sort of

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information is needed to reopen the hearing. Commissioner Keker would like report from the City Attorney as soon as possible.

**PUBLIC COMMENTS** (Taken out of order)

Reverend Cecil Williams discussed concerns regarding Officer Andaya while he was in Oakland.

Lynette Robinson, Aaron Williams' aunt, discussed concerns and asked that Andaya be fired.

Eva Patterson discussed concerns regarding Williams case and Marc Andaya.

Daniel Garcia, brother of Mark Garcia, discussed concerns.

Patricia Tullock discussed concerns regarding police versus Andaya.

Unidentified discussed concerns regarding the Commission.

Daniel Garcia Jr. discussed concerns regarding Mark Garcia case and actions of Mayor Brown.

Kim Malchesney discussed concerns regarding the Andaya hearing and actions of the Commissioners.

Judith Appell, Coalition on Homelessness, discussed concerns regarding decision by the Commission regarding Andaya.

Gerard Koskovich discussed concerns regarding Andaya decision.

Worldwind Dreamer discussed concerns and asked that the Andaya matter be reopened.

Patricia Anderson, aunt of Aaron Williams, discussed concerns regarding Andaya decision.

Louise Vaughn discussed concerns regarding Andaya.

Chuck Lindberg, POA, discussed concerns regarding discipline process and impartial board.

Luma Nichol asked that the commissioners be replaced

Jasmine discussed concerns.

Robin Templeton discussed Andaya decision.

Unidentified discussed concerns regarding Andaya case and decision and asked that he be fired.

Todd James, Coleman Advocates for Youth, discussed case regarding Andaya.

Unidentified discussed concerns regarding arrest by FBI in a gang related case.

Marjorie Breen stated that there is no respect for Assistant Chief Sanders and discussed concerns regarding Andaya decision.

Gregory Wiggins discussed concerns and actions of police.

Joyce Miller, Violence Coalition, discussed concerns.

Don Paul asked that Andaya be fired.

Judy Brown discussed concerns regarding Andaya decision and that decision be recinded.

Keith McHenry, Food Not Bombs, discussed actions of police and Andaya matter.

Unidentified discussed police brutality.

Daniel Garcia Jr. discussed more concerns.

Van Jones, Bay Area Police Watch, discussed concerns.

William Bowser discussed concerns.

**HEARING AND DISPOSITION ON DISCIPLINARY CHARGES  
FILED AGAINST OFFICERS RICHARD BENJAMIN, ANTHONY  
GOMES AND CARL A. PAYNE, CENTRAL STATION (FILE NOS.  
C56-040, C56-042 & C56-041 JWA)**

Taken out of order. Put over to March 5th.

**RESOLUTION NO. 26-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL  
DISCIPLINARY CHARGES FILED AGAINST OFFICER NADIM  
P. TOTAH, JR., EEO UNIT (FILE NO. C56-093 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Nadim P. Totah, Jr., EEO Unit, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Totah; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Nadim P. Totah, Jr., and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 27-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY  
CHARGES FILED AGAINST OFFICER WILLIAM J. BANAS,  
SOLOS (FILE NO. C96-165[318] JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer William J. Banas, Solos, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Banas; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William J. Banas, and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 27-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY  
CHARGES FILED AGAINST OFFICER WILLIAM M GARCIA,  
PARK STATION (FILE NO. C56-207 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer William M. Garcia, Park Station, was called it having been set for this date; and

WHEREAS, Commissioner James Salinas is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Garcia; therefore be it

RESOLVED, that Commissioner Salinas is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William M. Garcia, and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 29-97****ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ROBERT WALKER, SOUTHERN STATION (FILE NO. C56-241 DC)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Robert Walker, Southern Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Walker; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Robert Walker, and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**CHIEF'S REPORT TO THE POLICE COMMISSION**

None

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION****PRESENTATION OF 1996 OCC ANNUAL REPORT**

Mary Dunlap, OCC Director, presented the Annual Report. She stated that unnecessary force complaints dropped from 16% to 12%

Commissioner Keker commended the OCC for their handling of the 938 Harrison matter and the Aaron Williams case.

**RESOLUTION NO. 30-97****ADOPTION OF REVISED GENERAL ORDER 2.06, "VEHICLE COLLISIONS INVOLVING MEMBERS," GENERAL ORDER 3.07, "DEPARTMENT ACCIDENT BOARD OF REVIEW," AND GENERAL ORDER 5.05, "RESPONSE AND PURSUIT DRIVING"**

RESOLVED, that the Police Commission hereby approves adoption of revised General Order 2.06, "Vehicle Collisions Involving Members," General Order 3.07, "Department Accident Board of Review," and General Order 5.05, "Response and Pursuit Driving."

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

Lieutenant Henry Parra presented General Order 2.06.

Commissioner Hewlett commended Lt. Parra.

Commissioner Keker discussed concerns regarding training and that it should take effect within 90 days. Everyone should be trained by May 15th and if not, notify department for extension.

**DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 3.13, "FIELD TRAINING PROGRAM"**

Lieutenant Ed Springer presented the order and matter was put over to March 5th.

Commissioner Chan discussed distribution of department bulletins.

Commissioner Norman commends the department and stated the Commission supports the Chief and Assistant Chief Sanders regarding the

Andaya matter.

Thereafter, the meeting was adjourned at 9:45 p.m.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/re



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, FEBRUARY 19, 1997  
5:30 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of September 4, 1996 & September 25, 1996
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
7. Request of the Chief of Police for Approval to Name the New Police Station in the Potrero District "Bayview Police Station"
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Proposed OCC Budget 97/98
10. Request of the Chief of Police for Approval of Supplemental Appropriations from Surplus Property Sale Proceeds for Payment of Costs for Taraval, Park and Mission Stations
11. Discussion re: Proposal for Change in Police Discipline System

Andaya matter.

Thereafter, the meeting was adjourned at 9:45 p.m.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/re



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, FEBRUARY 19, 1997  
5:30 p.m.**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

12. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

13. Disposition on Disciplinary Charges filed against Officer Lawrence T. Chan, Central Station (File No. C56-213 JWA)

Government Code Section 54957

Possible Closed Session/Public Employee Discipline

Re: Disciplinary Charges filed Against Officer Lawrence T. Chan, Central Station

**CONSENT CALENDAR**

1. Request of the Chief of Police to for Approval of Taxicab Owner's Permits for the following individuals:

Ronald Bosia  
Steve Huff

Robert Gross  
James Gallagher

Hubert Fontaine  
Carl Macmurdo

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(Chapter 67 of the San Francisco Administrative Code)

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669



FEBRUARY 19, 1997REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chamber, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Salinas, Chan

APPROVAL OF MINUTES OF MEETINGS OF SEPTEMBER 4,  
1996 AND SEPTEMBER 25, 1996

Approval of minutes of meetings of September 4 and 25, 1996, the Commissioners having received, approved and returned copies of same. Minutes approved 5-0.

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APPROVAL OF CONSENT CALENDAR

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RESOLUTION NO. 32-97SAN FRANCISCO  
PUBLIC LIBRARYAPPROVAL OF TAXICAB OWNER'S PERMITS

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Ronald Bosia  
Steve Huff

Robert Gross  
James Gallagher

Hubert Fontaine  
Carl Macmurdo

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

POLICE COMMISSION REPORT

Commissioner Keker stated he will be out of town and will miss the opening of the new Bayview Station and the Richmond District meeting next week.

Commissioner Hewlett asked for a status report on the police boat.

CHIEF'S REPORT TO THE POLICE COMMISSION

Assistant Chief Sander for Chief Lau. The Chief is attending the Mayor Chief's Conference. Chief Sanders stated that the investigation regarding the Andaya matter is on-going and will report back to the Commission on March 19th on whether or not additional charges will be brought up.

Chief Sanders discussed community policing and how it's helping young persons to get their license back. This program is in conjunction with the Highway Patrol and the DMV.

Commissioner Keker stated that he received legal advice from the City Attorney and if a decision to reopen is made, penalty phase will be calendared for March 19th.

PUBLIC COMMENTS re: Andaya Matter:

Van Jones discussed concerns regarding investigation of the

Andaya matter.

**RESOLUTION NO. 33-97**

**APPROVAL TO NAME THE NEW POLICE STATION IN THE POTRERO DISTRICT "BAYVIEW POLICE STATION"**

WHEREAS, the new station in the Potrero District will be dedicated by Mayor Willie Brown, Jr., on February 24, 1997; and

WHEREAS, the Bayview Police Station was the name of the Police District Station founded in 1937 in the Potrero District; now, therefore be it

RESOLVED, that the Police Commission rename the new Police Station in Potrero District, "Bayview Police Station."

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

**DISCUSSION AND ACTION RE: PROPOSED OCC BUDGET 97/98**

Mary Dunlap, Director OCC, presented the OCC Budget.

**RESOLUTION NO. 34-97**

**APPROVAL OF PROPOSED OCC BUDGET 97/98**

RESOLVED, that the Police Commission hereby approves proposed OCC budget for fiscal year 97/98.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 35-97**

**APPROVAL OF SUPPLEMENTAL APPROPRIATIONS FROM SURPLUS PROPERTY SALE PROCEEDS FOR PAYMENT OF COSTS FOR TARAVAL, PARK AND MISSION STATIONS**

WHEREAS, the Chief of Police was requested by the Bureau of Architecture of the Department of Public Works to submit a Supplemental Appropriation in the amount of \$1,050,745 to be used for final payments from the Prop A Bond;

WHEREAS, the source of the funds are from the sale of surplus property, interest, and previously reserved monies;

WHEREAS, the funds will be used to pay off construction costs related to Bayview, Taraval, Mission and Park Police Stations and the Golden Gate Park Stables; therefore, be it

RESOLVED, that the Police Commission approves request for supplemental appropriation in the amount of \$1,050,745 to be used to pay off construction costs related to Bayview, Taraval, Mission and Park Police Stations and the Golden Gate Park Stables.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**DISCUSSION RE: PROPOSAL FOR CHANGE IN POLICE DISCIPLINE SYSTEM**

Commissioner Keker stated that parties will discuss proposed changes in discipline system. There will be a meet and confer with the POA. He also stated that there was a letter from Don Hesse, Human Rights Commission, suggesting as Task Force.

Commissioner Keker suggested talking about deciding of cases and ways that punishment is decided.

Captain Winters stated that a charter change is required.

Commissioner Keker stated that POA have dialogue with management for final proposal.

Commissioner Norman suggested that outside groups should be included in the discussions i.e. ACLU, Human Rights Commission and Commission Status of Woman.

#### PUBLIC COMMENT re: Discipline Change:

William Bowser discussed concerns regarding discipline system.

Gerard Koskovich discussed concerns regarding changes in discipline system.

Pat Tallac discussed concerns regarding change in discipline system.

Unidentified discussed concerns regarding discipline system and Commission's decision.

Jo Heshman discussed concerns regarding changes in disciplinary system.

Chris Cunnie, POA President, stated that he's willing to work with groups.

Commissioner Keker stated that guilt or innocence should be based on facts. He also stated to maintain civilian control of the police department and not turn over the responsibility to the police and that would suggest that (1) to have the Mayor appoint police commissioners who are suppose to represent the public and then say to those police commissioners that your responsibilities is to manage the department including manage the way the discipline system works. The problem is the commission spend time acting as judges instead of oversight. The police commission should manage the system. Another principle that Commissioner Keker believes in is that department managers, including the Chief, should have more power to impose severe discipline on its members to shift responsibilities from the police commission to the Chief. Finally, he stated that all discussions have to happen in public so that public can see the basis of decisions made by the Chief or the Assistant Chief. Guidelines should be set by the Commission i.e. what cases should go to the Chief; what cases should automatically be considered by the Chief and what cases should not.

William Bowser discussed Andaya hearing.

Commissioner Norman discussed concerns as far as hearing discipline cases and suggested that there should be an outreach program so that people get the word that the Commission is interested in their input and a synopsis of discussions be sent out to the community.

Commissioner Keker stated that discussions be held regarding change and that it's important for the community to participate in these discussions. Commissioner Keker also stated Commission Norman to oversee discussions.

Mary Dunlap suggested that meeting schedules be set up.

Commissioner Hewlett asked for time frame for charter amendment on ballot; does this have to go the Board of Supervisors; what is needed to get this on the ballot to be prepared for the November ballot.

Linda Ross stated that there should be some kind of proposal by May.

Commissioner Keker stated that March 26th, item be calendared again for discussion and hope that a recommendation be made by April 9th.

**PUBLIC COMMENTS**

Van Jones, Bay Area Police Watch, discussed concerns regarding discipline system and the Andaya case and read a statement to fire Andaya.

Unidentified discussed lack of police response when he was assaulted.

Peter Mac Elliot discussed concerns regarding no follow-up to report regarding Canadian tourist.

Unidentified Canadian visitor discussed assault case.

Lee Mackenzie discussed concerns regarding Officer Mason's actions against her sons.

Lynette Robinson, Aunt of Aaron Williams, thanked the Commission for helping Canadian tourist.

**DISPOSITION ON DISCIPLINARY CHARGES FILED AGAINST  
OFFICER LAWRENCE T. CHAN, CENTRAL STATION  
(FILE NO. C56-213 JWA)**

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Put over to March 5th.

Thereafter, the meeting was adjourned at 8:05 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 26, 1997  
6:00 p.m.**

***RICHMOND DISTRICT  
Richmond Police Station  
461 Sixth Avenue, San Francisco  
(Between Geary Boulevard & Anza Street)***

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of October 2nd and 16th, 1996
4. Approval of Consent Calendar
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Police Officer Timothy P. Fitzgerald, Potrero (File No. C97-014 JWA)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Police Officer Jason A. Cherniss, Narcotics (File No. C97-016 DTC)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Disciplinary Charges filed against Police Officer E.R. Balinton (File No. C96-178[330] JWA)
8. Police Commission Report
  - a. Motion of Calendaring of New Items
9. Chief's Report to the Police Commission
10. OCC Director's Report to the Police Commission
11. Captain Jerome DeFelippo, Commanding Officer of Richmond Station, to Address the Commission on Police Activities in the Richmond District
12. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

## PUBLIC COMMENTS

Van Jones, Bay Area Police Watch, discussed concerns regarding discipline system and the Andaya case and read a statement to fire Andaya.

Unidentified discussed lack of police response when he was assaulted.

Peter Mae Elliot discussed concerns regarding no follow-up to report regarding Canadian tourist.

Unidentified Canadian visitor discussed assault case.

Lee Mackenzie discussed concerns regarding Officer Mason's



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 26, 1997  
6:00 p.m.

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JOSE MEDINA  
Commissioner

DOUGLAS F. WONG  
Commissioner

LT. MANUEL BARRETTA  
Secretary

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following individuals:

Jamal Aboudamous  
Gerald McClure  
Soledad Gomez  
James P. Blechinger

Judeh Judeh  
Ted Tan  
Charles Rathbone  
Aisuke Ishikawa

Abdul Abu-Geith  
Remigo Miguel  
Joel Herschor

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## PUBLIC COMMENTS

Van Jones, Bay Area Police Watch, discussed concerns regarding discipline system and the Andaya case and read a statement to fire Andaya.

Unidentified discussed lack of police response when he was assaulted.

Peter Mac Elliot discussed concerns regarding no follow-up to report regarding Canadian tourist.

Unidentified Canadian visitor discussed assault case.

Lee Mackenzie discussed concerns regarding Officer Mason's



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## **POLICE COMMISSION MEETING**

**WEDNESDAY, FEBRUARY 26, 1997 6PM**

***RICHMOND POLICE STATION, 461 6TH AVENUE  
(BETWEEN GEARY BOULEVARD AND ANZA STREET)***

**YOU ARE CORDIALLY INVITED TO ATTEND AND SEE THE SAN  
FRANCISCO POLICE COMMISSIONERS AT WORK**

THERE WILL BE A PUBLIC COMMENT SESSION DURING THE MEETING. MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION FOR UP TO THREE MINUTES FOR INDIVIDUALS, OR UP TO FIVE MINUTES FOR GROUPS. THE PRESIDENT OF THE COMMISSION MAY LIMIT THE TOTAL PUBLIC COMMENT TIME.



**FEBRUARY 26, 1997****REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Richmond District, Richmond Police Station, 461 Sixth Avenue, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Hewlett, Salinas, Chan

ABSENT: Commissioner Kecker

**APPROVAL OF MINUTES OF MEETINGS OF OCTOBER 2ND  
AND 16TH, 1996**

Approval of minutes of meetings of October 2nd & 16th, 1996, the Commissioners having received, approved and returned copies of same. Minutes approved 4-0.

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**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 36-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY  
CHARGES FILED AGAINST OFFICER TIMOTHY P.  
FITZGERALD, POTRERO (FILE NO. C97-014 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Timothy P. Fitzgerald, Potrero, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fitzgerald; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Timothy P. Fitzgerald, and is to be set at a later date.

AYES: Commissioners Norman, Hewlett, Salinas, Chan

ABSENT: Commissioner Kecker

**RESOLUTION NO. 37-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY  
CHARGES FILED AGAINST OFFICER JASON A. CHERNISS,  
NARCOTICS (FILE NO. C97-016 DTC)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Jason A. Cherniss, Narcotics, was called it having been set for this date; and

WHEREAS, Commissioner James Salinas is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Cherniss; therefore be it

RESOLVED, that Commissioner Salinas is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Jason A. Cherniss, and is to be set at a later date.

AYES: Commissioners Norman, Hewlett, Salinas, Chan

ABSENT: Commissioner Keker

**RESOLUTION NO. 38-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL DISCIPLINARY CHARGES FILED AGAINST OFFICER E.R. BALINTON, SUPPORT SERVICES(FILE NO. C96-178[330] JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence on additional disciplinary charges filed against Officer E. R. Balinton, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence on additional disciplinary charges filed against Officer Balinton; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer E.R. Balinton, and is to be set at a later date.

AYES: Commissioners Norman, Hewlett, Salinas, Chan  
ABSENT: Commissioner Keker

**POLICE COMMISSION REPORT**

Commissioner Norman welcomed the audience and introduced the Command Staff. She also acknowledged Mr. Paul Cummins of the District Attorney's office.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau reported regarding 911 system. He also discussed conversation with the Mayor and was misrepresented by the newspapers. Question was if 911 system can be provided in a less expensive manner and a more expeditious manner. Analysis is being done as far as saving costs.

Chief Lau also discussed arrest made in the Richmond District of a fugitive from Boston, Mass., who was involved in a gay bashing incident in Boston.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, described duties of the OCC.

**CAPTAIN JEROME DeFELIPPO, COMMANDING OFFICER OF RICHMOND STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE RICHMOND DISTRICT**

Captain DeFelippo described community policing in the Richmond District and the number of personnel. He commended Lt. Jackson for an outstanding job.

Chief Lau thanked Captain DeFelippo for his service.

**PUBLIC COMMENTS**

Unidentified asked for written commendation for Captain DeFelippo and suggested for police officers be provided to the District.

Patricia Tulluc discussed concerns regarding Andaya case and asked why there is a delay in report regarding backgrounds from Oakland.

Tom Field, resident, discussed community groups and involvement with district police and asked for more officers. He also commended Lt. Jackson.

Gloria Loriva condemns police regarding actions and requested that Andaya be fired.

Lavoria Peacesmore discussed police brutality and actions of police.

Keith McHenry, Food Not Bombs, discussed property not returned; actions of police; police harassment and requested that Andaya be fired and stop Matrix immediately.

Louise Vaughn discussed concerns regarding actions of police and the Aaron Williams case.

George Patterson, resident, supports the police and commended officers of Richmond District.

Daniel Garcia Jr., nephew of Mark Garcia, discussed concerns regarding Andaya and Garcia cases.

James requested that Andaya be fired.

David Heller, merchant, supports officers.

Daniel Garcia Sr., brother of Mark Garcia, discussed concerns regarding Mark Garcia case and supports Aaron Williams family.

William stated police should be responsible for their actions.

Commissioner Norman stated that decision will be made regarding Andaya decision when all information is received.

William Bowser discussed concerns regarding delays in discipline system.

Commissioner Norman discussed March 26th meeting regarding discipline system change.

Keith McHenry discussed concerns regarding Louise Renne, City Attorney.

Thereafter, meeting was adjourned at 7:35 p.m.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc



FEB. -28' 97 (FRI) 15:38 POLICE COMMISSION

TEL: 415 553 1669

P. 002



**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

★  
**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, MARCH 5, 1997**  
**5:00 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

JOHN KEEFER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Rudi & Alma Acosta v. CCSE, et al. USDC No. C92-4321 THE
- b. Teeana Carpenter v. CCSE. Claim No. 95-04064
- c. Unlitigated Claim of David Yoon v. CCSE. Claim No. 95-03549
- d. Joanne Welsh v. Anthony Rihera, et al. USDC No. C93-3722

PUBLIC COMMENT IS WELCOME.





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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**AMENDED**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, MARCH 5, 1997**  
**5:00 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

JOHN KEEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Rudi & Alma Acosta v. CCSF, et al, USDC No. C92-4321 THE
- b. Tecana Carpenter v. CCSF, Claim No. 95-04064
- c. Unlitigated Claim of David Yoon v. CCSF, Claim No. 95-03549

PUBLIC COMMENT IS WELCOME.





**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, MARCH 5, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussions Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police for Approval of Amendment to San Francisco Administrative Code section 16.6-47.1 Authorizing Police Department Membership in Specified Organizations
9. Discussion and Action re: General Order 3.13, "Field Training Program"
10. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, MARCH 5, 1997**  
**5:30 p.m.**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

11. Disposition on Disciplinary Charges filed against Officer Lawrence T. Chan, Central Station (File No. C56-213 JWA)

LT. MANUEL BARRETTA  
Secretary

Government Code Section 54957

Possible Closed Session/Public Employee Discipline

Re: Disciplinary Charges filed Against Officer Lawrence T. Chan, Central Station

12. Hearing and Disposition on Disciplinary Charges filed against Officers Richard Benjamin, Anthony Gomes and Carl A. Payne, Central Station (File Nos. C56-040, C56-042 & C56-041 JWA)

Government Code Section 54957

Possible Closed Session/Public Employee Discipline

Re: Disciplinary Charges filed against Officers Richard Benjamin, Anthony Gomes and Carl A. Payne

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claims:
- a. Rudi & Alma Acosta v. CCSF, et al, USDC No. C92-4321 THE
  - b. Teeana Carpenter v. CCSF, Claim No. 95-04064
  - c. Unlitigated Claim of David Yoon v. CCSF, Claim No. 95-03549
  - d. Joanne Welsh v. Anthony Ribera, et al, USDC No. C93-3722
2. Request of the Chief of Police for Approval to Accept the following donations from Department of Defense: TCM Toyo Umpanki Co. LTD Forklift (gas); Yale Model GC040RC Forklift (gas); Truck, Tractor, 5 ton 6x6; Truck, Tractor, 5 ton 6x6

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



MARCH 5, 1997

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:00 p.m., in Closed Session.

PRESENT: Commissioners Keker, Norman, Salinas, Chan

MARCH 5, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Salinas, Chan

Commissioner Keker spoke of Commissioner Hewlett and her resignation, commended her for her service and stated she will be missed.

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSIONS HELD IN CLOSED SESSION

Commissioner Keker stated the Commission did not discuss Acosta v. CCSF. They did discuss other matters and approved for settlement.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 40-97

TEEANA CARPENTER v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Teeana Carpenter v. CCSF" in Claim No. 95-04064 for damages sustained, be, and the same is hereby approved.

Date of Incident: November 29, 1995

AYES: Commissioners Keker, Norman, Salinas, Chan

RESOLUTION NO. 41-97

UNLITIGATED CLAIM OF DAVID YOON v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "David Yoon v. CCSF" in Claim No. 95-03549 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 16, 1996

AYES: Commissioners Keker, Norman, Salinas, Chan

RESOLUTION NO. 42-97

APPROVAL TO ACCEPT DONATIONS FROM DEPARTMENT  
OF DEFENSE: TCM TOYO UMPANKI CO. LTD FORKLIFT  
(GAS); YALE MODEL GC0404C FORKLIFT (GAS); TRUCK,  
TRACTOR, 5 TON 6x6; TRUCK, TRACTOR, 5 TON 6x6

WHEREAS, the San Francisco Police Department is in need of utility vehicles/equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following vehicles/equipment valued at no costs to the Police Department;



- ◆ Serial #585-00245, 6000 lb. Cap., TCM Toyo Umpanki Co. Ltd., Forklift (gas);
- ◆ Serial #Y407068, 4000 lb. Cap., Yale model GC040RC Forklift (gas);
- ◆ Serial #9624-11820, Truck, Tractor, 5 ton 6x6, manufacture by Kaiser Jeep Corporation;

WHEREAS, there are no costs involved to obtain these vehicles from the Department of Defense; and

WHEREAS, the vehicles must be used for law enforcement purpose and must be returned to the Department of Defense when they are no longer used by the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Department, utility vehicles from the Department of Defense.

AYES: Commissioners Keker, Norman, Salinas, Chan

#### **POLICE COMMISSION REPORT**

Medal of Valor ceremony will be on April 16th.

#### **CHIEF'S REPORT TO THE POLICE COMMISSION**

None.

#### **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

John Parker, Acting OCC Director, stated that Mary Dunlap is ill. He commended Commissioner Hewlett.

#### **RESOLUTION NO. 43-97**

#### **AMENDMENT TO SAN FRANCISCO ADMINISTRATIVE CODE SECTION 16.6-47.1 AUTHORIZING POLICE DEPARTMENT MEMBERSHIP IN SPECIFIED ORGANIZATIONS**

WHEREAS, the San Francisco Police Department wishes to enhance a wide range of its members skills in the performance of law enforcement responsibilities; and

WHEREAS, membership in law enforcement-related scientific, investigative, and professional associations and organizations permits the Department to maintain and to improve member performance; now therefore be it

RESOLVED, that the Police Commission requests the Mayor to urge the Board of Supervisors to approve the attached proposed ordinance which amends Administrative Code Section 16.6-47.1 by adding seven (7) organizations to the list of authorized memberships for the San Francisco Police Department.

AYES: Commissioners Keker, Norman, Salinas, Chan

#### **DISCUSSION AND ACTION RE: GENERAL ORDER 3.13. "FIELD TRAINING PROGRAM"**

Put over for a later date after organizations have met.

## PUBLIC COMMENTS

Reverend Sims discussed treatment of people with dignity and discussed problems on Polk Street and substance abuse, homelessness & prostitution and police taking blankets, complaints taken to OCC and nothing was done.

Judy Appell, Coalition of Homeless, discussed citation issued to homeless.

Sergeant Steve Johnson, POA, discussed concerns regarding Benjamin, Gomes, Payne matter.

## HEARING OF POLICE OFFICER LAWRENCE T. CHAN, CENTRAL STATION (FILE NO. C56-213 JWA)

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The hearing of Police Officer Lawrence T. Chan, was called it having been set for this date.

Officer Lawrence T. Chan was charged with violating the Rules and Procedures as follows:

### SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department;

### SPECIFICATION NO. 2

Consuming alcoholic beverages to the point of intoxication while carrying a hand gun (violation of Rules I-A-3 and I-A-4 of Department General Order 2.02 of the San Francisco Police Department);

in properly verified complaints by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Lawrence T. Chan appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law, appearing on behalf of Mr. James Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Lawrence T. Chan admitted to Specification Nos. 1 and 2 in this matter.

Closing statements were made by Mr. Akins and Ms. Mahoney.

The Commission took the matter under submission, recessed and returned with the following disposition:

Specification No. 1 - Sustain

Specification No. 2 - Sustain

Based on Officer Chan's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of Chief Lau that Officer Lawrence T. Chan be suspended for forty-five (45) days and enroll in the 11.11 program of the San Francisco Police Department.

The Commission again took the matter under submission, recessed and returned and the following resolution was adopted:

**RESOLUTION NO. 44-97****DECISION - HEARING OF POLICE OFFICER LAWRENCE T. CHAN, CENTRAL STATION (FILE NO. C56-213 JWA)**

WHEREAS, on June 17, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Lawrence T. Chan, as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department;

- (1) At all times herein mentioned Lawrence T. Chan, Star Number 1484, (hereinafter referred to as "the accused") was a probationary officer employed by the San Francisco Police Department assigned to the Central Station of the Field Operations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On November 28, 1995, the accused completed his work shift at 0700 hours at Central Station; that evening he met a friend at a bar on West Portal Avenue for some drinks; on November, at about 0145 hours, the accused left the bar on West Portal Avenue and talked for a while with his drinking companion; the accused was armed with a 40 mm hand gun when he left the bar;
- (4) The accused felt the effects of the drinks he had consumed but nevertheless drove to his home in the Southeast area of San Francisco; on November 29, 1995, at 0228 hours, as the accused drove his automobile south on the 2000 block of Bayshore Avenue near its intersection with Hester Avenue he drove his car up on an island in the intersection and crashed into a light pole;
- (5) Police and paramedics responded to the scene and the accused was taken to San Francisco General Hospital for treatment of his injuries; officers responded to San Francisco General Hospital noted the accused lying on a gurney and he appeared to be under the influence of alcohol; a doctor confirmed that his blood alcohol level was over .084; the accused was arrested and required to give a blood sample which he did not give until 0607 hours and which was tested showing that at that time his level was 0.01 percent of alcohol by volume;
- (6) California Vehicle Code §23152(b), states:
 

"§23152. DRIVING UNDER THE INFLUENCE.

  - (a) It is unlawful for any person who is under the influence of any alcohol beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.
  - (b) It is unlawful for any person who has 0.08 percent of more, by weight, of alcohol in his or her blood to drive a vehicle.

For purposes of this article and Section 34501.6, percent, by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath ..."

- (7) The accused by driving a motor vehicle while under the influence of alcoholic beverages engaged in conduct which would violate California Code §23152 in violation of Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

#### SPECIFICATION NO. 2

Consuming alcoholic beverages to the point of intoxication while carrying a hand gun (violation of Rules I-A-3 and I-A-4 of Department General Order 2.02 of the San Francisco Police Department);

- (8) Each and every allegation contained in paragraphs 1 through 6 of Specification No. 1 is realleged and incorporated herein as though set forth in full;
- (9) The accused by drinking beverage alcohol to the point where he became intoxicated while off duty and carrying a weapon violated Rules I-A-3 and I-A-4 of Department General Order Number 2.02, which states:

#### "I. POLICY

....

3. OFF DUTY. A member, while off duty and carrying a weapon, shall not consume alcoholic beverages to the extent that he/she becomes intoxicated.
4. INTOXICATION. A member shall not be intoxicated at any time while on duty or while carrying a weapon.

#### B. DEFINITIONS

- I. Intoxication: Shall mean a member is unable to perform his/her duties because of the consumption or ingestion of alcohol. A member shall be deemed intoxicated if the member has .04 percent or more by weight of alcohol in his/her blood."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 5, 1997 and on Wednesday, March 5, 1997, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Lawrence T. Chan's admission, the Commission finds that the allegations contained in Specification Nos. 1 and 2, as preferred by Chief of Police Fred H. Lau against Officer Lawrence T. Chan are sustained; and the Commission adopts the sustained

specifications as its findings in this matter; therefore be it

RESOLVED, that based on Officer Chan's admission, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

Specification No. 1 - Sustain

Specification No. 2 - Sustain

Forty-five (45) days suspension and enrollment with the Department's 11.11 program.

FURTHER RESOLVED, that said forty-five (45) days suspension shall start on Saturday, March 8, 1997, at 0001 hours and end on Monday, April 21, 1997, at 2400 hours.

AYES: Commissioners Keker, Norman, Salinas, Chan

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

**HEARING OF POLICE OFFICERS RICHARD BENJAMIN,  
CENTRAL (FILE NO. C56-040 JWA), ANTHONY GOMES,  
CENTRAL (FILE NO. C56-042 JWA), AND CARL A. PAYNE,  
CENTRAL (FILE NO. C56-041 JWA)**

---

The hearing of Police Officers Richard Benjamin, Anthony Gomes and Carl A. Payne, Central Station, was called it having been set for this date.

Officer Richard Benjamin was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to perform his duties promptly and according to department procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to perform his duties promptly and according to department procedures (violation of rule 5 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to secure the approval from a supervisor of the charges against a prisoner (a violation of Rule II-A-2 of Department General Order 4.01 of the San Francisco Police Department);

Officer Anthony B. Gomes was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to perform his duties promptly and according to department procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to perform his duties promptly and according to department procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

Officer Carl A. Payne was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to perform his duties promptly and according to department procedures (violation of rule 5 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to perform his duties promptly and according to department procedures (violation of rule 5 of Department General Order 2.01 of the San Francisco Police Department);

in properly verified complaints by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Officers Benjamin, Payne and Gomes appeared in person and were represented by Ms. Kathy Mahoney, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by Mr. Akins and Ms. Mahoney.

Mr. Jerry W. Akins withdrew Specification No. 3 charged against Officer Benjamin.

The Commission took the matter under submission, recessed and returned with the following dispositions:

Officer Richard K. Benjamin; Specifications No. 1 & 2 sustain.  
Officer Anthony Gomes; Specifications No. 1 & 2 not sustain.  
Officer Carl A. Payne; Specifications No. 1 & 2 sustain

Based on those findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of Chief Lau that:

Officer Richard K. Benjamin be suspended for thirty (30) days and retraining.

Officer Carl A. Payne be suspended for fifteen (15) days and retraining.

The Commission again took the matter under submission, recessed and returned and the following resolution was adopted:

RESOLUTION NO. 45-97

**DECISION - HEARING OF POLICE OFFICERS RICHARD BENJAMIN, CENTRAL (FILE NO. C56-040 JWA), ANTHONY GOMES, CENTRAL (FILE NO. C56-042 JWA), AND CARL A. PAYNE, CENTRAL (FILE NO. C56-041 JWA)**

WHEREAS, on January 5, 1995, Anthony D. Ribera, former Chief of Police of the San Francisco Police Department, made and served charges against Police Officers Richard Benjamin, Anthony Gomes and Carl A. Payne, as follows:

OFFICER RICHARD K. BENJAMIN, Central Station (File No. C56-040 JWA)

SPECIFICATION NO. 1

Failure to perform his duties promptly and according to department procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned Richard K. Benjamin, Star Number 1462, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Central District of the Field Operations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On February 23, 1995, between 0200 hours and 0530 hours, the accused was on duty assigned to station keeper duties in the Central Police District Station;
- (4) At approximately 0300, two other San Francisco Police Department officers brought a male prisoner (referred to herein as "the victim") to Central Station to be booked under Penal Code section 647(f), to be released when sober; the victim was unable to speak, walk or otherwise help himself; the officers who arrested and transported the victim told the accused that the victim was drunk;
- (5) The victim was physically carried into the station and laid on the floor in the booking area while the accused booked him; the accused type "UNABLE" in the place on the booking card reserved for the signature block; the accused type "no local" in the block on the booking card reserved for the address of the person being booked;
- (6) The victim was carried to a holding cell and laid down; the victim did not regain consciousness; the accused stated that he monitored the victim's condition every thirty minutes until he was relieved as station keeper at about 0530 hours on February 23, 1995;
- (7) The accused did not call for an ambulance or a paramedic to evaluate the victim's condition at any time between the time he was brought in at 0300 hours through the end of his watch when he was relieved by the incoming station keeper;
- (8) At approximately 0730 hours, an ambulance was called for the victim, as drunk prisoners usually recover consciousness after about four hours; an ambulance responded to Central Station and the victim was transported to the hospital where he was admitted and treated for a fractured skull and intercranial bleeding;
- (9) Department Bulletin 92-119 requires that all officers take particular care in observing the physical condition of arrested persons states:

"In the case of arrested persons, officers should adhere to the following guidelines:

Always take particular care to distinguish between a state of simple intoxication and unconsciousness in the case of arrested persons. The condition of unconsciousness requires special medical attention. Arrested persons who are unconscious or semi-conscious shall not be brought to a district station.

Determine at the time of initial arrest any other medical need to the arrested or detain person. Medical needs include a previously untreated injury, an old injury in obvious need of attention, severe head injury, convulsions, Medic Alert I.D., etc.

In all cases of arrested persons, follow the procedure as outlined in General Order D-7, "Booking Procedures," Section V., 'Injured or Ill Prisoners.'"

- (10) Department General Order 4.01 (which superseded General Order D-7) provides in Rule II-A that the station keeper must follow the listed procedures, and number one is to "Determine if the arrestee is injured or ill."
- (11) The accused by failing to make proper inquiry into the medical condition of the victim and seek medical assistance for the victim, failed to follow the bulletins and general orders in violation of Rule 5 of Department General Order 2.01, which states:

"PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures."

#### SPECIFICATION NO. 2

Failure to perform his duties promptly and according to department procedures (violation of rule 5 of Department General Order 2.01 of the San Francisco Police Department);

- (12) Paragraphs 1 through 10 of Specification No. 1, above, are realleged as though set forth in full;
- (13) On February 23, 1995, at about 0300 hours, the accused while acting as the Station Keeper at Central Station, allowed an unconscious prisoner to be booked and placed in a holding cell without being medically evaluated;
- (14) Department Bulletin 92-119 requires that all officers take particular care in observing the physical condition of arrested persons states:

"In the case of arrested persons, officers should adhere to the following guidelines:

Always take particular care to distinguish between a state of simple intoxication and unconsciousness in the case of arrested persons. The condition of unconsciousness requires special medical attention. Arrested persons who are unconscious or semi-conscious shall not be brought to a district station.

Determine at the time of initial arrest any other medical need of the arrested or detained person. Medical needs include a previously untreated injury, an old injury in obvious need of attention, severe head injury, convulsions,

Medic Alert I.D., etc.

In all cases of arrested persons, follow the procedure as outlined in General Order D-7, "Booking Procedures," Section V., 'Injured or Ill Prisoners.'"

- (15) The accused by allowing an unconscious arrestee to be brought into the station and placed into a holding cell without proper medical clearance, failed to follow the bulletins and general orders in violation of Rule 5 of Department General Order 2.01, which states:

"PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures."

### SPECIFICATION NO. 3

Failure to secure the approval from a supervisor of the charges against a prisoner (a violation of Rule II-A-2 of Department General Order 4.01 of the San Francisco Police Department);

- (16) Paragraphs 1 through 10 of Specification No. 1 and Paragraph 13 of Specification No. 2, above, are realleged as though set forth in full;
- (17) On February 23, 1995, from the time that the victim was brought to Central Station at about 0300 hours, the accused did not seek the approval of a sergeant or commissioned officer to approve the charges against the victim;
- (18) Department General Order 4.01 (which superseded General Order D-7) provides in Rule II-A that the station keeper must follow the listed procedures, and number two is to "Ensure that the charges have been approved by a sergeant (not LWLP sergeants) or a commissioned officer."
- (19) The accused by failing to have a sergeant or commissioned officer review the charges and status of the victim, failed to follow the bulletins and general orders in violation of Rule 5 of Department General Order 2.01, which states:

"PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures."

OFFICER ANTHONY B. GOMES, Central Station (File No. C56-042 JWA)

### SPECIFICATION NO. 1

Failure to perform his duties promptly and according to department procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned Anthony B. Gomes, Star No. 911, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Central District of the Field Operations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

- (3) On February 23, 1995, between 0001 hours and 0630 hours, the accused was on duty in uniform assigned to radio car patrol with his partner;
- (4) At approximately 0215 the accused and his partner were dispatched to a hotel in San Francisco to arrest an alleged drunk (referred to herein as "the victim"); the hotel security employees had brought the victim to the lobby of the hotel and he was sitting on a chair sleeping; the accused and his partner, with help from the hotel security employees carried the victim to their patrol vehicle; the accused and his partner then brought the victim to Central Station for booking under Penal Code section 647(f), to be released when sober; the victim was unable to speak, walk or otherwise help himself; the accused and his partner told the station keeper that the victim was drunk;
- (5) The accused and his partner, with help from other officers, carried the victim into the station and laid him on the floor in the booking area; the station keeper booked the victim; because the victim was unconscious, the station keeper typed "UNABLE" in the place on the booking card reserved for the signature of the booked prisoner; the station keeper typed "no local" in the block on the booking card reserved for the address of the person being booked;
- (6) After he was booked, the victim was carried to a holding cell and laid down in the cell; the victim did not regain consciousness; the station keeper stated that he monitored the victim's condition every thirty minutes until he was relieved as station keeper at about 0530 hours on February 23, 1995;
- (7) The accused did not call for an ambulance or for a paramedic and did not take the victim to a medical facility for evaluation of the victim's condition between the time he was first contacted in the hotel lobby and the time he was brought to Central Station at 0300 hours;
- (8) At approximately 0730 hours an ambulance was called for the still unconscious victim; the ambulance responded to Central Station and the victim was transported to St. Francis Hospital where he was admitted and treated for a fractured skull and intercranial bleeding;
- (9) Department Bulletin 92-119 which requires that all officers take particular care in observing the physical condition of arrested persons, states:

"In the case of arrested persons, officers should adhere to the following guidelines:

Always take particular care to distinguish between a state of simple intoxication and unconsciousness in the case of arrested persons. The condition of unconsciousness requires special medical attention. Arrested persons who are unconscious or semi-conscious shall not be brought to a district station.

Determine at the time of initial arrest any other medical need of the arrested or detained person. Medical needs include a previously untreated injury, an old injury in obvious need of attention, severe head injury, convulsions, Medic Alert I.D., etc.

In all cases of arrested persons, follow the procedure as outlined in General Order D-7, "Booking Procedures, "Section V., "Injured or Ill Prisoners.""

- (10) The accused by failing to take steps to have the unconscious prisoner's medical condition assessed by medical professionals and failure to seek medical assistance for the victim before bringing him to Central Station, failed to follow department policy and procedures set forth in department bulletins and general orders in violation of Rule 5 of Department General Order 2.01, which states:

"PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures."

## SPECIFICATION NO. 2

Failure to perform his duties promptly and according to procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

- (11) Paragraphs 1 through 10 of Specification No. 1, above, are realleged as though set forth in full;
- (12) On February 23, 1995, at about 0300 hours, the accused after taking custody of and arrested the victim for violation of Penal Code section 647(f) brought the unconscious man to Central Station, carried the unconscious man into the station where he was booked and placed in a holding cell without being medically evaluated;
- (13) Department Bulletin 92-119 requires that all officers take particular care in observing the physical condition of arrested persons, states:

"In the case of arrested persons, officers should adhere to the following guidelines:

Always take particular care to distinguish between a state of simple intoxication and unconsciousness in the case of arrested persons. The condition of unconsciousness requires special medical attention. Arrested persons who are unconscious or semi-conscious shall not be brought to a district station.

Determine at the time of initial arrest any other medical need of the arrested or detained person. Medical needs include a previously untreated injury, an old injury in obvious need of attention, severe head injury, convulsions, Medic Alert I.D., etc.

In all cases of arrested persons, follow the procedure as outlined in General Order D-7, "Booking Procedures," Section V., "Injured or Ill Prisoners.""

- (14) The accused by bringing an unconscious arrestee into Central Station and placing him into a holding cell without proper medical clearance, failed to follow the bulletins and general orders in violation of Rule 5 of Department General Order 2.01, which states:

"PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and

procedures.”

OFFICER CARL A. PAYNE, Central Station (File No. C56-041 JWA)

SPECIFICATION NO. 1

Failure to perform his duties promptly and according to procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned Carl A. Payne, Star Number 1596, (hereinafter called “the accused”) was a police officer employed by the San Francisco Police Department assigned to the Central District of the Field Operations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On February 23, 1995, between 0001 hours and 0630 hours, the accused was on duty in uniform assigned to radio car patrol with his partner;
- (4) At approximately 0215, the accused and his partner were dispatched to a hotel in San Francisco to arrest an alleged drunk (referred to herein as “the victim”); the hotel security employees had brought the victim to the lobby of the hotel and he was sitting on a chair sleeping; the accused and his partner, with help from the hotel security employees carried the victim to their patrol vehicle; the accused and his partner then brought the victim to Central Station for booking under Penal Code section 647(f), to be released when sober; the victim was unable to speak, walk or otherwise help himself; the accused and his partner told the station keeper that the victim was drunk;
- (5) The accused and his partner, with help from other officers, carried the victim into the station and laid him on the floor in the booking area; the station keeper booked the victim; because the victim was unconscious, the station keeper typed “UNABLE” in the place on the booking card reserved for the signature of the booked prisoner; the station keeper typed “no local” in the block on the booking card reserved for the address of the person being booked;
- (6) After he was booked, the victim was carried to a holding cell and laid down in the cell; the victim did not regain consciousness; the station keeper stated that he monitored the victim’s condition every thirty minutes until he was relieved as station keeper at about 0530 hours on February 23, 1995;
- (7) The accused did not call for an ambulance or for a paramedic and did not take the victim to a medical facility for evaluation of the victim’s condition between the time he was first contacted in the hotel lobby and the time he was brought to Central Station at 0300 hours;
- (8) At approximately 0730 hours, an ambulance was called for the still unconscious victim; the ambulance responded to Central Station and the victim was transported to St. Francis Hospital where he was admitted and treated for a fractured skull and intracranial bleeding;

- (9) Department Bulletin 92-119 which requires that all officers take particular care in observing the physical condition of arrested persons, states:

“In the case of arrested persons, officers should adhere to the following guidelines:

Always take particular care to distinguish between a state of simple intoxication and unconsciousness in the case of arrested persons. The condition of unconsciousness requires special medical attention. Arrested persons who are unconscious or semi-conscious shall not be brought to a district station.

Determine at the time of initial arrest any other medical need of the arrested or detained person. Medical needs include a previously untreated injury, an old injury in obvious need of attention, severe head injury, convulsions, Medic Alert I.D., etc.

In all cases of arrested persons, follow the procedure as outlined in General Order D-7, “Booking Procedures,” Section V., ‘Injured or Ill Prisoners.’”

- (10) The accused by failing to take steps to have the unconscious prisoner’s medical condition assessed by medical professionals and failure to seek medical assistance for the victim before bringing him to Central Station, failed to follow department policy and procedures set forth in department bulletins and general orders in violation of Rule 5 of Department General Order 2.01, which states:

“PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures.”

#### SPECIFICATION NO. 2

Failure to perform his duties promptly and according to procedures (violation of Rule 5 of Department General Order 2.01 of the San Francisco Police Department);

- (11) Paragraphs 1 through 10 of Specification No. 1, above, are realleged as though set forth in full;
- (12) On February 23, 1995, at about 0300 hours, the accused after taking custody of and arresting the victim for violation of Penal Code section 647(f) brought the unconscious man to Central Station, carried the unconscious man into the station where he was booked and placed in a holding cell without being medically evaluated;
- (13) Department Bulletin 92-119 requires that all officers take particular care in observing the physical condition of arrested person states:

“In the case of arrested persons, officers should adhere to the following guidelines:

Always take particular care to distinguish between a state of simple intoxication and unconsciousness in the case of arrested persons. The condition of unconsciousness requires special medical attention. Arrested persons who are unconscious or semi-conscious shall not be brought to a

district station.

Determine at the time of initial arrest any other medical need of the arrested or detained person. Medical needs include a previously untreated injury, an old injury in obvious need of attention, severe head injury, convulsions, Medic Alert I.D., etc.

In all cases of arrested persons, follow the procedure as outlined in General Order D-7, "Booking Procedures," Section V., 'Injured or Ill Prisoners.'"

- (14) The accused by bringing an unconscious arrestee into Central Station and placing him into a holding cell without proper medical clearance, failed to follow the bulletins and general orders in violation of Rule 5 of Department General Order 2.01, which states:

"PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures."

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, November 5, 1996 and Wednesday, November 6, 1996, and on Wednesday, March 5, 1997, the matter was submitted to the Police Commission for decision; and

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

***OFFICER RICHARD K. BENJAMIN***

Specification No. 1 - Sustain  
Specification No. 2 - Sustain  
Specification No. 3 - Withdrawn

Thirty (30) days suspension; twenty (20) days imposed, ten (10) days held in abeyance for six months and retraining.

FURTHER RESOLVED, that said twenty (20) days imposed suspension shall start on Thursday, March 6, 1997, at 0001 hours and end on Tuesday, March 25, 1997, at 2400 hours.

AYES: Commissioners Keker, Norman, Salinas, Chan

***OFFICER ANTHONY B. GOMES***

Specification No. 1 - Not Sustain  
Specification No. 2 - Not Sustain

RESOLVED, that said charges contained in Specification Nos. 1 and 2 filed against Officer Anthony B. Gomes are hereby dismissed.

AYES: Commissioners Keker, Norman, Salinas, Chan

***OFFICER CARL A. PAYNE***

Specification No. 1 - Sustain  
Specification No. 2 - Sustain

Fifteen (15) days suspension; ten (10) days imposed, five (5) days held in abeyance for six months and retraining.

FURTHER RESOLVED, that said ten (10) days imposed suspension shall start on Thursday, March 6, 1997, at 0001 hours and end on Friday, March 14, 1997, at 2400 hours.

AYES: Commissioners Keker, Norman, Salinas  
NAY: Commissioner Chan

Recesses taken during the hearing of Officers Benjamin, Gomes and Payne:

6:15 p.m. - 6:45 p.m.  
6:50 p.m. - 7:05 p.m.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

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MAR. -07' 97 (FRI) 14.36 POLICE COMMISSION

TEL. 415 553 1669

P. 002



**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**CALENDAR OF PROCEEDINGS**  
**POLICE COMMISSION MEETING**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meeting on *Wednesday, March 12, 1997*. The next Police Commission Regular Meeting will be on Wednesday, March 19, 1997, at 5:30 p.m., in the Thomas J. Cahill Hall of Justice, Room 551.

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MARCH 18, 1997

SPECIAL MEETING

PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE  
CHARGES FILED AGAINST OFFICER ANTHONY DAMATO,  
NORTHERN STATION (FILE NO. 0086-95 BSK)

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The hearing for taking of evidence in the disciplinary charges filed against Police Officer Anthony Damato, Northern Station, was called at 2:00 p.m., it having been set for this date.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony Damato appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Opening statements were made by Ms. Chin and Ms. Mahoney.

The following witnesses appeared for the Department, were sworn and testified:

Wendy Lynn Murphy  
Jeffrey Herzenberg

The following exhibit was identified and entered into evidence by the Department:

Exhibit No. 1                      Photo Spread

The following exhibits were identified and entered into evidence by the Defense:

Exhibit A                      Statement of Wendy Murphy

Exhibit B                      Copy of Transcripts

Exhibit C                      Medical Report dated 1/8/95, Dr. Robert  
Kramer

The meeting was then adjourned at 4:45 p.m., to be continued to Thursday, May 29, 1997, at 2:00 p.m.

Recess taken during the hearing of Officer Damato:

3:45 p.m. to 4:00 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, MARCH 19, 1997  
5:15 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Sean Creed v. CCSF, Superior Court No. 952-759

PUBLIC COMMENT IS WELCOME





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, MARCH 19, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

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1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussions Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)





**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, MARCH 19, 1997**  
**5:30 p.m.**

**CONSENT CALENDAR**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Sean Creed v. CCSF, Superior Court No. 952-759
2. Request of the Chief of Police for Approval to accept a donation of a Pony to the San Francisco Police Department, for Chief Lau's Children's Pony Program

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
**(Chapter 67 of the San Francisco Administrative Code)**

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**MARCH 19, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in 6th Floor Auditorium, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioner Keker, Norman, Salinas, Chan

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSIONS HELD IN CLOSED SESSION**

Did not meet on Closed Session.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 46-97**

**SEAN CREED v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Sean Creed v. CCSF" in Superior Court No. 952-759 for damages sustained, be, and the same is hereby approved.

Date of Incident: November 29, 1995

AYES: Commissioners Keker, Norman, Salinas, Chan

**RESOLUTION NO. 47-97**

**APPROVAL TO ACCEPT A DONATION OF A PONY TO THE  
SAN FRANCISCO POLICE DEPARTMENT FOR CHIEF LAU'S  
CHILDREN'S PONY PROGRAM**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a donation of a pony, from Mr. and Mrs. Jon Haro and their daughter Cindy, for Chief Fred Lau's Children's Pony Program.

AYES: Commissioners Keker, Norman, Salinas, Chan

**POLICE COMMISSION REPORT**

Commissioner Salinas announced his appointment to the Park and Rec Commission. He thanked the Chief, Assistant Chief Sanders, Command Staff, OCC members and the members of the department.

Commissioner Keker thanked Commissioner Salinas.

Commissioner Keker announced Discipline System Change meeting are scheduled for March 26th and April 9th. There will be a public hearing on March 20th at 4 p.m. in Room 551.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau announced filing of additional charges against Officer Marc Andaya.

Commissioner Keker described charges against Officer Andaya and stated that it will be held promptly and possibly before suspension ends.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, announced resignation of John

66  
Parker as Chief Investigator. Director Dunlap also thanked Commissioner Salinas.

Commissioner Keker thanked John Parker and congratulated him for his service.

### PUBLIC COMMENTS

Supervisor Amos Brown commended Commissioner Salinas and pledges support for legislation in change of discipline. He discussed actions of Officer Andaya and actions of police toward minorities and incarceration of Afro-Americans.

Van Jones requested a moment of silence for Aaron Williams and asked the Commission to fire Andaya and stated charges against him should have been filed earlier.

Unidentified discussed problems with police.

Lavoria P. Smore supports family of Aaron Williams.

Kim Ray Buck discussed Marc Andaya's record and asked that he be fired.

Julie Brown discussed Andaya's record.

Patricia Tullock discussed concerns.

William Bowser discussed concerns regarding Andaya.

Reuben Goodmen discussed concerns regarding victim of crime.

Louise Vaughn discussed concerns regarding actions of police.

Daniel Garcia discussed concerns regarding Mark Garcia.

Cornelius Hall discussed concerns regarding Andaya decision.

Rachael West, Prostitutes West, read statement regarding Andaya and actions of officers against prostitutes.

Unidentified, Violence Coalition, discussed Andaya and discipline system changes.

Mike McLune suggested fraud charges against Andaya for false application.

Doris Mayton discussed actions of police.

Ray discussed police brutality.

Gary Delagnes discussed concerns.

Thereafter, the meeting was adjourned at 7:30 p.m.

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Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, MARCH 26, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, 6th Floor Auditorium  
San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Setting of Date on Charges filed against Officer Marc Andaya, Headquarters Co.  
(File No. C97-036 JWA)
5. Police Commission Report
  - a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Ownership Status of Taxicab Permit #138
9. Discussion re: Proposed Change in Police Discipline System
10. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

00  
Parker as Chief Investigator. Director Dunlap also thanked Commissioner Salinas.

Commissioner Keker thanked John Parker and congratulated him for his service.

#### PUBLIC COMMENTS

Supervisor Amos Brown commended Commissioner Salinas and pledges support for legislation in change of discipline. He discussed actions of Officer Andaya and actions of police toward minorities and incarceration of Afro-Americans.



**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, MARCH 26, 1997**  
**5:30 p.m.**

**CONSENT CALENDAR**

**JOHN KEKER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**JAMES SALINAS**  
Commissioner

**SIDNEY CHAN**  
Commissioner

**LT. MANUEL BARRETTA**  
Secretary

1. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following individuals:

Ranulfo Alegre	Greg Gregory	Francisco Solario
Robert Aldanese	Isao Hamamoto	Eric Spillman
Alberto Ortega	Nuong Lam	Neil Talenfeld
Stephen Scholten	Robert LeMans	Renato Tescon
John Derry	Khanh Ly	Phan Tran (Fu Chan)
William Barrett	Roland Mathias	Roger Watson
Morris Beneniste	Margo Miranda	Matthew Wong
Fariborz Golshan	Vladimir Shapiro	Gordan Sizelove
Feriedoon Golshan		

2. Request of the Chief of Police for Approval to Accept Donation of \$1000.00 from Pacific Telesis Group to be used for Purchase of a Bicycle and Equipment for the Field Operations Bicycle Patrol Program

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**

MEASUREMENT OF THE EFFECTS

**MARCH 26, 1997****REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the 6th Floor Auditorium at 5:50 p.m. in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Chan

**APPROVAL OF CONSENT CALENDAR****RESOLUTION NO. 48-97****APPROVAL OF TAXICAB OWNER'S PERMITS**

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Ranulfo Alegre	Greg Gregory	Francisco Solario
Robert Aldanese	Isao Hamamoto	Eric Spillman
Alberto Ortega	Nuong Lam	Neil Talenfeld
Stephen Scholten	Robert LeMans	Renato Tescon
John Derry	Khanh Ly	Phan Tran (Fu Chan)
William Barrett	Roland Mathias	Roger Watson
Morris Beneniste	Margo Miranda	Matthew Wong
Fariborz Golshan	Vladimir Shapiro	Gordan Sizelove
Feriedoon Golshan		

AYES: Commissioners Keker, Norman, Chan

**RESOLUTION NO. 49-97**

**APPROVAL TO ACCEPT DONATION OF \$1,000.00 FROM THE  
PACIFIC TELESIS GROUP FOR PURCHASE OF A BICYCLE  
AND EQUIPMENT FOR USE IN THE FIELD OPERATIONS  
BICYCLE PATROL PROGRAM**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$1,000.00 from the Pacific Telesis Group for purchase of a bicycle and equipment for use in the Field Operations Bicycle Patrol Program.

AYES: Commissioners Keker, Norman, Chan

**SETTING OF DATE ON CHARGES FILED AGAINST OFFICER  
MARC ANDAYA, HEADQUARTERS CO.  
(FILE NO. C97-036 JWA)**

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. James Collins, Attorney at Law, no longer represents Marc Andaya. He is now represented by Mr. James Lassart, Attorney at Law.

Hearing regarding charges filed against Officer Andaya is set for Wednesday, May 7, 1997.

## POLICE COMMISSION REPORT

None.

## CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated that there will be a promotions made on March 22, 1997 for 18 captains, seven lieutenants and 13 sergeants. He stated that formal ceremony will be on April 2, 1997.

## OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, stated that the OCC is functioning well and they're in the process of filling vacant position of John Parker. She also stated that Mary White resigned.

## DISCUSSION AND ACTION RE: OWNERSHIP STATUS

Officer Farrell Suslow, Taxi Detail, was present.

Ms. Theresa Cunningham, Attorney for Mr. William Lazar was also present.

## RESOLUTION NO. 50-97

### APPROVAL OF RETENTION OF TAXICAB PERMIT NO. 138 BY WILLIAM J. LAZAR

RESOLVED, that the Police Commission hereby approves the retention of Taxicab Permit No. 138 by William J. Lazar.

AYES: Commissioners Keker, Norman, Chan

### SETTING OF DATE ON CHARGES FILED AGAINST OFFICER MARC ANDAYA, HEADQUARTERS CO. (FILE NO. C97-036 JWA)

Discussion is continued. Mr. James Lassart to represent Officer Andaya.

(Meeting moved to Room 551)

Commissioner Keker suggested for a motion for closed session. Hearing then set for May 7th at 9:00 a.m.

## DISCUSSION RE: PROPOSED CHANGE IN POLICE DISCIPLINE SYSTEM

Commissioner Keker discussed present discipline system and concerns regarding system.

Commissioner Norman discussed concerns.

Commissioner Chan discussed concerns regarding disciplinary system.

## PUBLIC COMMENT

John Crew, ACLU, thanked the Commission for hearing matter and discussed meet and confer regarding changes.

Chris Cunnie, POA President, read a statement regarding discipline system and changes needed.

Jill Tregor, Intergroup Clearing House, stated it will take time in considering changes and that it not be rushed.

William Bowser discussed concerns regarding system.

Sgt. Carl Tennenbaum, POA, read statement.

Van Jones, Bay Area Police Watch, discussed concerns regarding system and concerns regarding actions of Commissioner Keker.

Lynette Robinson, Aunt of Aaron Williams, discussed concerns regarding Andaya case.

Daniel Garcia discussed concerns regarding system.

Patricia Tulloch discussed concerns regarding system.

Gerard Koskovich stated process will take time.

Commissioner Keker stated that item will probably not get on the November ballot and announced his resignation effective immediately.

Thereafter, meeting was adjourned at 8:10 p.m.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, APRIL 2, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

**JOHN KEKER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**JAMES SALINAS**  
Commissioner

**SIDNEY CHAN**  
Commissioner

**LT. MANUEL BARRETTA**  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
  - a. Motion on Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Presentation of OCC Statistical Reports for January & February, 1997
8. Request of the Chief of Police to Accept Donation of Specialized Computer Equipment from N.E.C. Technologies to Enhance the Automated Fingerprint Identification System (AFIS)
9. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, APRIL 2, 1997**  
**5:30 p.m.**

**CONSENT CALENDAR**

**JOHN KEKER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**JAMES SALINAS**  
Commissioner

**SIDNEY CHAN**  
Commissioner

**LT. MANUEL BARRETTA**  
Secretary

1. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following individuals:

Joseph Allen  
Nazih Ibrahim  
Frankie Chan

Frank Fahey  
Roger Cardenas

Edward Biersack  
Saul Papaev

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 51-97

APPROVAL OF TAXICAB OWNER'S PERMITS

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Joseph Allen  
Nazih Ibrahim  
Frankie Chan

Frank Fahey  
Roger Cardenas

Edward Biersack  
Saul Papacv

AYES: Commissioners Norman, Chan, Herrera

POLICE COMMISSION REPORT

Commissioner Norman voted as President of the Police Commission. She accepted presidency and introduced Commissioner Dennis Herrera.

Commissioner Herrera addressed the audience.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau congratulated Commissioner Norman and welcomed Commissioner Herrera. The Chief also discussed promotions of Captains and Lieutenants.

Deputy Chief Holder briefed the Commission regarding Operation Parks.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, discussed concerns regarding articles written in POA paper. She also discussed that recruitment for a new Chief Investigator has started and they are seeking new investigators.

Director Dunlap discussed presentation by Captain Winters regarding change in the Disciplinary System.

PRESENTATION OF OCC STATISTICAL REPORTS FOR  
JANUARY & FEBRUARY, 1997

Director Dunlap presented the stats for January and February, 1997.

RESOLUTION NO. 52-97

APPROVAL TO ACCEPT DONATION OF SPECIALIZED COMPUTER  
EQUIPMENT FROM N.E.C. TECHNOLOGIES TO ENHANCE THE  
AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS)



WHEREAS, the Automated Fingerprint Identification System (AFIS) needs enhanced computer equipment to better facilitate criminal investigations; and

WHEREAS, N.E.C. Technologies has generously offered to donate the following equipment:

1. Exchanged Kodak DCS420 for CS2
2. PowerMate Pentium 100 PC with two GB hard drive, XV-17+ monitor, 32 mb RAM, SVGA video card with two mb of VRAM
3. 1 x Pen & Tablet set for latent EWS 320 PX
4. Cross-over connection between CS2s/FWs
5. 2 x workstations/2 x chairs
6. Exchanged 2 x EWS 330 for 2 x EWS 320 PX

WHEREAS, the above-listed equipment is valued at \$37,650; now, therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt the attached resolution authorized the Chief of Police to accept the gift of N.E.C. Technologies.

AYES: Commissioners Norman, Chan, Herrera

#### PUBLIC COMMENTS

Mary Beth Wallace, Coleman Advocates, discussed Operation Parks and problems with park directors and police presence in the parks.

Daniel Paez discussed concerns regarding actions of police.

Mary Harris, Coleman Advocates for Youths, requested that Operation Parks be calendared for public input.

Unidentified discussed equipment donation ie. fingerprint & military equipment.

Mr. Jones, resident 1700 Oakdale, discussed complaint regarding 911 call on March 26th.

Joyce Miller, Violence Coalition Program, discussed changes in disciplinary system.

Constance discussed concerns regarding Aaron Williams matter.

Patty discussed unwarranted actions and conduct reflecting discredit.

Jennifer Rebawski, CUAV, discussed concerns regarding changes in disciplinary system.

William Bowser discussed concerns regarding closing of Andaya hearing.

Tillie Olsen welcomed Commissioner Herrera and discussed concerns regarding changes in the disciplinary system and complaint procedure.

Don Paul discussed petition circulating regarding Officer Andaya and suggested that a hearing be held before the end of his suspension.

Maria, Parents Advocates for Youths, discussed concerns regarding Operation Parks and requested more officers for Operation Parks.

Thereafter, meeting was adjourned at 7:25 p.m.

---

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION





**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**

**WEDNESDAY, APRIL 9, 1997**

**5:15 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Franchesca Medina v. CCSF, USDC No. C93-3910 MEJ

PUBLIC COMMENT IS WELCOME





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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, APRIL 9, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

---

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
- 4.. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
- 7.. OCC Director's Report to the Police Commission
8. Discussion and Action Re: Proposed Fiscal Year 1997/1998 SFPD Budget
9. Status Report re: Police Detention Facilities
10. Discussion and Action regarding Taxicab Stock Transfer Requests from the following Taxicab Companies:

Changs Inc  
Huey Incorporated  
K.K.L. Cab Company  
Luxor Cab Company  
State Cab Company  
Veterans Cab Company  
Yellow Cab Cooperative



## The Police Commission

### CITY AND COUNTY OF SAN FRANCISCO

- 11.. Discussion re: Proposed Change in Police Discipline System
12. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, APRIL 9, 1997  
5:30 p.m.

### CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Franchesca Medina v. CCSF, et al, USDC No. C93-3910 MEJ

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE  
(Chapter 67 of the San Francisco Administrative Code)

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APRIL 9, 1997

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, at 5:15 p.m., in an Executive Session.

CONFERENCE WITH LEGAL COUNSEL

a. Franchesca Medina v. CCSF, USDC No. C93-3910 MEJ

PRESENT: Commissioners Norman, Herrera, Chan

APRIL 9, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION

Commissioners discussed settlement of existing litigation.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 53-97

FRANCESCA MEDINA v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Francesca Medina v. CCSF" in Case No. C93-3910-MEJ for damages sustained, be, and the same is hereby approved.

Date of Incident: March 22, 1989

AYES: Commissioners Norman, Chan, Herrera

POLICE COMMISSION REPORT

Lieutenant Barretta announced that a Medal of Valor ceremony will take place next week at the Academy. Lieutenant also stated that two new commissioners, Ed Petrillo & Connie Perry, will be appointed on Tuesday at the Mayor's Office.

Commissioner Norman discussed meeting with various groups regarding changes in the discipline system. She stated that there will be approximately eight meetings in the next several months.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated that there was a unanimous vote with the Board of Supervisors for the Department to move into the Hunter Point Shipyard, Building 606. The Chief also stated that he went to Sacramento the President of the Juvenile Probation Commission, the Director of Muni and the interim Director of the Youth Guidance Center to submit proposal to the Department of Corrections for the Juvenile Justice Program and will be waiting for their decision.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION



Director Dunlap stated that the OCC is setting goals regarding backlog at OCC. She will be meeting with the OCC staff to discuss caseload.

#### **STATUS REPORT RE: POLICE DETENTION FACILITIES**

Taken out of order.

Captain Hettrich updated the Commission regarding compliance of the Department with Title 24 of the Code of Regulations. He stated that all temporary holding facilities are in compliance except for minor issues. The minor non-compliance issues center around such things as a door needing painting at Northern Station; a bench at Northern Station with a piece of veneer missing; a tag missing on a boiler at Mission Station; a crack window at Park Station and a water fountain that was not working at Ingleside Station. The items at Northern Station have been taken care of as well as the drinking fountain. The next compliance issue is with Title 15 which pertains to operating policies and procedures. The department has created a Booking & Detention Manual which meets state mandate in every area.

#### **DISCUSSION AND ACTION RE: PROPOSED FISCAL YEAR 1997/1998 SFPD BUDGET**

Captain Fagan recognized Officer Tom Strong for putting the budget together and then presented the budget.

Commissioner Chan asked when budget needs to be submitted and asked for a more time to review the budget.

Commissioner Herrera asked how much new money is available if any. Commissioner Herrera stated that the budget is the most important document that the commission will consider throughout the course of the year. It gives everybody a sense to the public as to what the priorities are for the department and what direction the commission would like the department to go into. Commissioner Herrera suggested that initiatives be prioritized to the level of importance and need. He suggested that the item be deferred for the next meeting.

#### **RESOLUTION NO. 54-97**

#### **APPROVAL OF PROPOSED FISCAL YEAR 1997/98 SFPD BUDGET**

RESOLVED, that the Police Commission hereby concurs with the Police Department budget submission.

AYES: Commissioners Norman, Chan, Herrera

#### **DISCUSSION AND ACTION REGARDING TAXICAB STOCK TRANSFER REQUESTS FROM THE FOLLOWING TAXICAB COMPANIES: CHANGS INC, KKL CAB COMPANY, STATE CAB COMPANY, YELLOW CAP COOPERATIVE, HUEY INCORPORATED, LUXOR CAB COMPANY & VETERANS CAB COMPANY**

Charles Rathbone, taxi driver, against transfer.

Dale against transfer.

Phil Ward, Attorney for Yellow Cab, for transfer.

Ruth Graffin, Veterans Cab, against transfer.

Jotek Kojella is against transfer.

Mark Gruberg, United Taxi Drivers, against transfer.

Tera Hausman, taxi driver, against transfer.

Item is put over to April 23rd.

## **DISCUSSION RE: PROPOSED CHANGE IN POLICE DISCIPLINE SYSTEM**

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Mary Vail, Bar Association, commended Commissioners Norman and Chan. She suggested that we continue to address problems and work on changes and move ahead.

Lovoria Peacemore stated that all be treated equally.

Van Jones, Bay Area Police Watch, discussed concerns regarding POA and statements by officers during the March 26th meeting and asked the POA for an apology.

Rcuben Goodman discussed concerns regarding a Canadian crime victim.

Patty suggested that the OCC be revamped.

Keith McHenry, Food Not Bombs, discussed actions of police, complaints made at OCC and not sustained. He further discussed April 4th demonstration.

John Crew, ACLU, stated that more progress is needed and to design a process that is comfortable for all.

Louise Vaugh discussed concerns regarding police actions.

## **PUBLIC COMMENTS**

Sergeant Carl Tennenbaum, POA, stated that the POA is willing to discuss changes and stated that he feels positive regarding upcoming meetings. He also apologized for the March 26th action.

Forrest Schmidt discussed actions of police during the April 4th demonstration.

Daniel Parry discussed actions of police and Mayor's appointment of Ed Petrillo as commissioner.

Unidentified discussed the budget and the POA.

Lavoria Peacemore discussed concerns and actions of police.

Matthew Dodd, Food Not Bombs, discussed actions of police at demonstration.

Melissa Mandell discussed actions of police at demonstration.

Keith McHenry, Food Not Bombs, discussed the Andaya case, the Mark Garcia case and actions of police at a demonstration.

Unidentified discussed actions of police at a demonstration of April 4th.

John Jenkyl, Horseless Carriage, discussed concerns regarding permit denial.

Louise Vaughn discussed actions of police on April 4th.

Thereafter, the meeting was adjourned at 8:35 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**JOHN KEHER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**ALAN S. S. S. S.**  
Commissioner

**STANTY CHAN**  
Commissioner

**LT. MANUEL BARRETTA**  
Secretary

**CALENDAR OF PROCEEDINGS**  
**POLICE COMMISSION MEETING**

There will be no Police Commission Regular Meeting on *Wednesday, April 16, 1997*. The next Police Commission Regular Meeting will be on Wednesday, April 23, 1997, at 5:30 p.m., Thomas J. Cahill Hall of Justice, Room 551.

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DO I need statements by officers during the March 26th meeting and asked



THE POLICE DEPARTMENT  
CITY OF NEW YORK

POLICE COMMISSIONER  
CITY OF NEW YORK

From all the Police Department's records, the following information was obtained for the period from January 1, 1971, to January 1, 1972, regarding the activities of the various groups and individuals mentioned in the report of the Commission on the Status of the Police Department, dated January 1, 1972.

1. The following information was obtained from the records of the Police Department regarding the activities of the various groups and individuals mentioned in the report of the Commission on the Status of the Police Department, dated January 1, 1972.



**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**MONDAY, APRIL 21, 1997**  
**4:00 p.m.**

**Thomas J. Cahill Hall of Justice**  
**850 Bryant Street, Room 551/505**  
**San Francisco, California**

**JOHN KEKER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**JAMES SALINAS**  
Commissioner

**SIDNEY CHAN**  
Commissioner

**LT. MANUEL BARRETTA**  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

- a. Andaya v. City and County of San Francisco, et al., San Francisco Superior Court, Case No. 985-565

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CITY OF LOS ANGELES  
OFFICE OF THE CITY CLERK

RESOLUTION NO. 123456

WHEREAS, the City of Los Angeles is a member of the United Nations Educational, Scientific and Cultural Organization (UNESCO); and

WHEREAS, the City of Los Angeles desires to express its appreciation for the efforts of UNESCO in promoting international cooperation in the field of education, science, and culture;

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/10/01 BY 60322 UCBAW

1. That the City of Los Angeles do hereby adopt the following resolution:
2. That the City of Los Angeles do hereby express its appreciation for the efforts of UNESCO in promoting international cooperation in the field of education, science, and culture;
3. That the City of Los Angeles do hereby adopt the following resolution:
4. That the City of Los Angeles do hereby express its appreciation for the efforts of UNESCO in promoting international cooperation in the field of education, science, and culture;

APPROVED AND FORWARDED:  
CITY CLERK



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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, APRIL 23, 1997**  
**4:45 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Arnold, David v. CCSF, No. C96-3754
- b. Arnold, Lisa B. v. CCSF, No. C97-0587
- c. Blackwell v. Police Commission of CCSF, et al, S.F. Superior Court No. 970249

PUBLIC COMMENT IS WELCOME





**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, APRIL 23, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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PUBLIC LIBRARY

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Reassignment of Pending Disciplinary Cases
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police for Extension of Grant, from the Office of Criminal Justice Planning (OCJP), for an Additional Six (6) Month Period, for the Suppression of Drug Abuse in the Schools Program
9. Discussion and Action re: Approval of San Francisco Police Commission Resolution Urging the Mayor, Pursuant to Charter Section 4.132, to Reorganize Departmental Duties and Functions to Permit the San Francisco Police Department to Assume Management of the Law Enforcement Officers and Police Service Aides of the Airport Police Bureau



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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, APRIL 23, 1997**  
**5:30 p.m.**

**JOHN KEKER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**JAMES SALINAS**  
Commissioner

**SIDNEY CHAN**  
Commissioner

---

**LT. MANUEL BARRETTA**  
Secretary

10. Discussion and Action regarding Taxicab Stock Transfer Requests from the following Taxicab Companies:

Changs Inc  
K.K.L. Cab Company  
State Cab Company  
Yellow Cab Cooperative

Huey Incorporated  
Luxor Cab Company  
Veterans Cab Company  
Twin Peaks Transportation Co., Inc.

11. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, APRIL 23, 1997**  
**5:30 p.m.**

**JOHN KEKER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**JAMES SALINAS**  
Commissioner

**SIDNEY CHAN**  
Commissioner

---

**LT. MANUEL BARRETTA**  
Secretary

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Blackwell v. Police Commission of CCSF, et al, S.F. Superior Court No. 970249
2. Request of Inspector Darcy Keller for Approval to Accept a Gift of a Ring from Mr. and Mrs. Ronald Young
3. Request of the Chief of Police to Accept Gift of Equipment from the Department of Defense to be used in Emergency Situations: 1989, 21' Sea Ark Boat Hull; 1989 Trail Rite Trailer; Evinrude 120 HP V4 Outboard Motors; and Evinrude 50HP (2 each 70 HP Outboard Motor



APRIL 23, 1997EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 4:45 p.m., in Executive Session.

## CONFERENCE WITH LEGAL COUNSEL:

- a. Arnold, David v. CCSF, No. C96-3754
- b. Arnold, Lisa B. v. CCSF, No. C97-0587
- c. Blackwell v. Police Commission of CCSF, et al, SF Superior Court No.970249

PRESENT: Commissioners Herrera, Petrillo, Perry

APRIL 23, 1997REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

Commissioner Norman stated the Commission met in Closed Session for Conference with Legal Counsel, per Government Code 54956.9(a), regarding existing litigations listed above.

APPROVAL OF CONSENT CALENDARRESOLUTION NO. 56-97

**APPROVAL OF REQUEST OF INSPECTOR DARCY KELLER TO  
ACCEPT A GIFT OF A RING FROM MR. AND MRS. RONALD  
YOUNG**

RESOLVED, that the Police Commission hereby approves request of Inspector Darcy Keller to accept a gift of a ring from Mr. and Mrs. Ronald Young.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

RESOLUTION NO. 57-97

**APPROVAL TO ACCEPT GIFT OF EQUIPMENT FROM THE  
DEPARTMENT OF DEFENSE TO BE USED IN EMERGENCY  
SITUATIONS**

WHEREAS, the San Francisco Police Department is in need of equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following equipment valued at no costs to the Police Department:

- ◆ 1989, 21' Sea Ark Boat Hull, ID Number 405520289
- ◆ 1989 Trail Rite Trailer, Number DONS118949
- ◆ Evinrude 120 HP V4 Outboard Motors, Serial No. G0318687, No. G03182795, and No. G03082012
- ◆ Evinrude 50HP (2 ea) 70 HP Outboard Motor

WHEREAS, the equipment must be used for law enforcement purpose and must be returned to the Department of Defense when they are no longer used by the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, equipment from the Department of Defense;

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of equipment from the Department of Defense.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

#### **POLICE COMMISSION REPORT**

##### **a. Reassignment of Pending Disciplinary Cases**

Commissioner Norman suggested that cases assigned to attorneys in the past be taken over by the two attorney who are currently sitting on the Commission, Commissioners Perry & Herrera. Other cases can be divided, with the exception of the Andaya matter, between Commissioners Norman and Petrillo.

Commissioner Chan nominated Commissioner Herrera as Vice President of the Police Commission. Second by Commissioner Perry.

Commissioner Norman stated that she has recused herself from hearing the Andaya matter. The case will be heard by the remaining four commissioners.

Commissioner Norman stated she visited the Central Station and is very happy with the staff at Central Station.

Commissioner Herrera stated he visited Bayview & Mission Stations and stated that he's very impressed with the courtesy and responsiveness of all the officers in both stations.

Sergeant Bisordi stated that the next Commission meeting will be held in the Central District at the Jean Parker Elementary School, 840 Broadway, at 6:00 p.m.

#### **CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau introduced new Deputy Chief, Deputy Chief Melinda Pengel. She will command the SFPD Airport Bureau.

Commissioner Norman congratulates Deputy Chief Pengel.

Chief Lau stated Ms. Rosa Parks will be visiting San Francisco to dedicate a public school here in the city.

Chief Lau introduced Captain Hettrich to discuss the new CAD system.

Captain Hettrich discussed the new CAD system, its problems and the changes that were made. Captain Hettrich stated that they have been going out to different stations to explain how the system works to the different stations and officers. He stated that a "Help Desk" have been set up to answer questions that the officers may have. There are also computer technicians available to answer any questions. The Help Desk is open 24 hours a day to offer support to members of the department.

#### **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, stated that Chief Investigator Parker has left the OCC and that the OCC is currently recruiting for a new Chief Investigator.

Director Dunlap also stated that the 1st Quarter Stats will be submitted after April.

Director Dunlap also invited the Commissioners to visit the OCC offices.

**RESOLUTION NO. 58-97**

**AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR EXTENSION OF GRANT, FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP), FOR AN ADDITIONAL SIX (6) MONTH PERIOD, FOR THE SUPPRESSION OF DRUG ABUSE IN THE SCHOOLS PROGRAM**

---

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for extension of grant, from the Office of Criminal Justice Planning (OCJP), for an additional six (6) month period, for the Suppression of Drug Abuse in the Schools Program.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 59-97**

**URGING THE MAYOR, PURSUANT TO CHARTER SECTION 4.132, TO REORGANIZE DEPARTMENTAL DUTIES AND FUNCTIONS TO PERMIT THE SAN FRANCISCO POLICE DEPARTMENT TO ASSUME MANAGEMENT OF THE LAW ENFORCEMENT OFFICERS AND POLICE SERVICE AIDES OF THE AIRPORT POLICE BUREAU**

---

WHEREAS, pursuant to Charter Section 4.132, the Mayor, by issuing a notice to the Board of Supervisors, may reorganize duties and functions between departments and other units of government within the executive branch;

WHEREAS, pursuant to Charter Section 4.132, such reorganization shall become effective 30 days after issuance of notice unless disapproved by the Board of Supervisors during that time;

WHEREAS, the Mayor has asked the San Francisco Police Department and the Airport Director to develop a plan for the San Francisco Police Department to assume management responsibility for the law enforcement officers stationed at the San Francisco Airport;

WHEREAS, the San Francisco Police Department and the Airport Director have developed a set of principles to govern the Police Department's assumption of management responsibility for the law enforcement officers stationed at the Airport;

WHEREAS, the principles governing the Police Department's assumption of management responsibility are set forth in the "Proposed Airport Police and SFPD Merger Management Principles," dated January 8, 1997;

RESOLVED, that the San Francisco Police Commission urges the Mayor to issue a notice to the Board of Supervisors, pursuant to Charter Section 4.132, that the San Francisco Police Department will assume management responsibility for the law enforcement personnel and Police Service Aides of the Airport Police Bureau;

RESOLVED, that the San Francisco Police Commission urges the Board of Supervisors to approve the San Francisco Police Department's assumption of management responsibility for the law enforcement personnel and Police Service Aides of the Airport Police Bureau.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**DISCUSSION AND ACTION RE: TAXICAB STOCK TRANSFER REQUESTS FORM THE FOLLOWING TAXICAB COMPANIES: CHANGS INC., K.K.L. CAB COMPANY, STATE CAB COMPANY, HUEY INCORPORATED, LUXOR CAB COMPANY, VETERANS CAB COMPANY, TWIN PEAKS**

---

Copies of Prob K was given to the Commission for review.

Officer Farrell Suslow, Taxi Detail, suggested that seven cab companies stock transfers be approved. He stated that Yellow Cab has 30 transfer to the outside and recommended that first 25 shares be approved and remaining five be transferred over and 10% be put over until it is reviewed.

Mr. Wayne Canterbury, Attorney for Luxor Cab, discussed concerns.

Mr. Norman Lu, Attorney for Changs, KKL and Huey, discussed concerns.

Mr. Mark Rebera, cab driver, discussed concerns.

Ms. Julie Simms, Senator Quentin Kopp's Office, read a statement from Senator Kopp.

Motion by Commission Chan, second by Commissioner Herrera. No votes by Commissioners Norman, Perry & Petrillo.

The Commission requested a written response from the City Attorney, by May 14th, regarding Prop K for Yellow Cab Company.

**RESOLUTION NO. 55-97**

**DENIAL OF TAXICAB STOCK TRANSFER REQUESTS FROM THE FOLLOWING TAXICAB COMPANIES: CHANGS INC., K.K.L. CAB COMPANY, STATE CAB COMPANY, HUEY INCORPORATED, LUXOR CAB COMPANY, VETERANS CAB COMPANY, TWIN PEAKS TRANSPORTATION CO., INC.**

---

RESOLVED, that after hearing the requests of the following taxicab companies: Changs Inc., K.K.L. Cab Company, State Cab Company, Huey Incorporated, Luxor Cab Company, Veterans Cab Company and Twin Peaks Transportation Co., Inc., to redeem stocks having come before the Police Commission, the requests are denied.

AYES: Commissioners Herrera, Chan

NAYS: Commissioners Norman, Petrillo, Perry

**PUBLIC COMMENTS**

Don Hesse discussed concerns.

Steve Johnson, POA, discussed concerns regarding computer change over issue and OCC backlog.

Thereafter, the meeting was adjourned.

---

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

APR. -25' 97(FRI) 14:47 POLICE COMMISSION

TEL: 415 553 1669

P. 002



**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**

**MONDAY, APRIL 28, 1997**

**6:30 p.m.**

**Thomas J. Cahill Hall of Justice**  
**850 Bryant Street, Room 551**  
**San Francisco, California**

**Prehearing Conference - Motion to Continue**

**In the Matter of Marc M. Andaya, Police Commission Case No. C97-036 JWA**

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companies stock transfers be approved. He stated that Yellow Cab has 50



**THE OFFICE OF THE COMPTROLLER OF THE CITY OF NEW YORK**

**ANNUAL REPORT OF THE COMPTROLLER OF THE CITY OF NEW YORK**

FOR THE YEAR ENDING DECEMBER 31, 1911  
NEW YORK, JANUARY 1, 1912

THE OFFICE OF THE COMPTROLLER OF THE CITY OF NEW YORK  
HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF THE  
ANNUAL REPORT OF THE COMPTROLLER OF THE CITY OF NEW YORK

FOR THE YEAR ENDING DECEMBER 31, 1911

IN THE MONTH OF JANUARY, 1912, THE COMPTROLLER OF THE CITY OF NEW YORK



**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

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**SAN FRANCISCO POLICE COMMISSION AGENDA**  
**and NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, APRIL 30, 1997**  
**5:45 p.m.**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

**CENTRAL DISTRICT**  
**Jean Parker Elementary School**  
**840 Broadway Street**  
**San Francisco**

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Mario Marckewordt v. CCSF, Superior Court No. 970-675
- b. Slawomir Wymiarkiewicz, et al v. CCSF, et al, USDC No. C95-3644 CW

companies stock transfers he approved. He stated that Yehow had nas 50

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**THE  
SAN FRANCISCO POLICE COMMISSION**

**AND  
CENTRAL POLICE STATION**

**CORDIALLY INVITE YOU TO ATTEND**

**THE  
MONTHLY MEETING  
OF  
THE SAN FRANCISCO POLICE COMMISSION**

**Wednesday, APRIL 30, 1997  
Jean Parker Elementary School  
840 Broadway Street**

**TIME 6:00 PM**

*Come and meet The SAN FRANCISCO POLICE COMMISSION.*

*There will be a public comment session during the meeting.*

*For more information please contact*

*Officer Richard Van Winkle*

*415-553-1529*

*Please invite your neighbors*

companies stock transfers be approved. He stated that Yellow Can has 30





**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

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**SAN FRANCISCO POLICE COMMISSION AGENDA**  
**REGULAR MEETING**  
**WEDNESDAY, APRIL 30, 1997**  
**6:00 p.m.**

***CENTRAL DISTRICT***  
***Jean Parker Elementary School***  
***840 Broadway Street***  
***San Francisco***

**JOHN KEKER**  
President

**PAT NORMAN**  
Vice President

**CLOTHILDE HEWLETT**  
Commissioner

**JAMES SALINAS**  
Commissioner

**SIDNEY CHAN**  
Commissioner

**LT. MANUEL BARRETTA**  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Review of Proposal of SFPD Psychiatric Illness Response Squad
9. Request of the Chief of Police for Approval to Apply for, Accept, and Expend Funds from the State of California Department of Alcoholic Beverage Control to Conduct the State of California Department of Alcoholic Beverage Control 1997 Grant Assistance to Local Law Enforcement Agencies Project
10. Request of the Chief of Police for Approval to Apply for, Accept, and Expend Funds, from a Grant Continuation, from the Administration of Children, Youth and Families of the United States Department of Health and Human Services Continue the Youth Gang/Drug Prevention Program through the year 2000
11. Captain Heather Fong, Commanding Officer of Central Station, to Address the Commission on Police Activities in the Central District
12. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

companies stock transfers be approved. He stated that Yellow Can has 50



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**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**  
**REGULAR MEETING**  
**WEDNESDAY, APRIL 30, 1997**  
**6:00 p.m.**

**CENTRAL DISTRICT**  
**Jean Parker Elementary School**  
**840 Broadway Street**  
**San Francisco**

JOHN KEKER  
President

PAT NORMAN  
Vice President

CLOTHILDE HEWLETT  
Commissioner

JAMES SALINAS  
Commissioner

SIDNEY CHAN  
Commissioner

LT. MANUEL BARRETTA  
Secretary

**CONSENT CALENDAR**

1. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following individuals:

Mark Berman	Maurice Harold	Charles Sollars
Christopher Clark	Hon Lao	Donald Trierweiler
Robert Colburn	Michael Lorincz	LS Welcome
Carol Fenner	Paul Malone	Wing Wong
Mannuel Fernandez	Cornelius Perdue	Albert Yambo
2. Recommendation of the City Attorney for Settlement of the following claims:
  - a. Mario Marckrewordt v. CCSF, Superior Court No. 970-675
  - b. Slawomir Wymiarkiewicz, et al v. CCSF, et al, USDC No. C95-3644 CW
3. Request of the Chief of Police for Approval to Accept Donations of \$3,000.00 from the Guardsman Foundation and \$2,500.00 from the McKesson Foundation to be used towards the Purchase of a Van for Transporting Youth on SFPD Wilderness Program Adventures
4. Request of the Chief of Police for Approval to Accept Donation of \$3,500.00 from the Guardsmen Association of San Francisco to be used to Purchase items to Supplement Youth Related Programs
5. Request of the Chief of Police for Approval to Accept Donation of \$500.00 from the San Francisco Police Officers Association to be used to Purchase Raffle Prizes for the 75th Annual School Safety Patrol Review

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commisslans, baards, cauncils and ather agencies of the City and County exist to conduct the people's business. This ardnance assures that deliberatlans are conducted before the people and that City operatlans are apen to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE,**  
**CONTACT THE SUNSHINE ORDINANCE TASK FORCE**

comparable clock transfers be approved. He stated that "this was not an

APRIL 30, 1997EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Central District, Jean Parker Elementary School, 840 Broadway Street, San Francisco, at 5:50 p.m. to 6:10 p.m., in an Executive Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

- a. Mario Marckewordt v. CCSF, Superior Court No. 970-675
- b. Slawomir Wymiarkiewicz, et al v. CCSF, et al, USDC No. C95-3644 CW

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo

ABSENT: Commissioner Perry

APRIL 30, 1997REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Central District, Jean Parker Elementary School, 840 Broadway Street, San Francisco, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo

ABSENT: Commissioner Perry

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION

Commissioner Norman stated the Commission met in Closed Session and agreed on settlement of litigations.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 60-97

APPROVAL OF TAXICAB OWNER'S PERMITS

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Mark Berman	Maurice Harold	Charles Sollars
Christopher Clark	Hon Lao	Donald Trierweiler
Robert Colburn	Michael Lorincz	LS Welcome
Carol Fenner	Paul Malone	Wing Wong
Mannuel Fernandez	Cornelius Perdue	Albert Yambo

AYES: Commissioners Norman, Herrera, Chan, Petrillo

ABSENT: Commissioner Perry

RESOLUTION NO. 61-97

MARIO MARCKREWORDT v. CCSF

RESOLVED, that the recommendation of the City Attorney for

settlement of the litigation of "Mario Marcikrewordt v. CCSF" in San Francisco Superior Court No. 970-675 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 5, 1994

AYES: Commissioners Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

**RESOLUTION NO. 62-97**

**SLAWOMIR WYMIARKIEWICZ, et al v. CCSF, et al**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Slawomir Wymiarkiewicz, et al v. CCSF, et al" in USDC No. 95-3644 CW for damages sustained, be, and the same is hereby approved.

Date of Incident: November 15, 1994

AYES: Commissioners Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

**RESOLUTION NO. 63-97**

**APPROVAL TO ACCEPT DONATION OF \$3,000.00 FROM THE GUARDSMAN FOUNDATION AND \$2,500.00 FROM THE McKESSON FOUNDATION TO BE USED TOWARDS THE PURCHASE OF A VAN FOR TRANSPORTING YOUTH ON SFPD WILDERNESS PROGRAM ADVENTURES**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$3,000.00 from the Guardsman Foundation and \$2,500.00 from the McKesson Foundation to be used towards the purchase of a van for transporting youth on SFPD Wilderness Program Adventures.

AYES: Commissioners Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

**RESOLUTION NO. 64-97**

**APPROVAL TO ACCEPT DONATION OF \$3,500.00 FROM THE GUARDSMEN ASSOCIATION OF SAN FRANCISCO TO BE USED TO PURCHASE ITEMS TO SUPPLEMENT YOUTH RELATED PROGRAMS**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$3,500.00 from the Guardsmen Association of San Francisco to be used to purchase items to supplement youth related programs.

AYES: Commissioners Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

**POLICE COMMISSION REPORT**

Commissioner Norman greeted the audience and introduced the Commissioners.

Commissioners Herrera and Chan addressed the audience.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau introduced Deputy Chief Pengel, Commanders Pisciotto and Porton and commended Captain Fong and the officers of Central Station.

Commissioner Norman introduced Assistant Chief Sanders.

### **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, gave an overview of the OCC's duties and responsibilities. She stated that 131 cases were closed during the month of April. She further stated that the Chief Investigator's position is available.

### **DISCUSSION AND ACTION RE: REVIEW OF PROPOSAL OF SFPD PSYCHIATRIC ILLNESS RESPONSE SQUAD**

Director Dunlap introduced Barbara Attard to describe the proposal. Ms. Dunlap also urged that the Commission adopt the policy in principal.

Ms. Attard discussed the proposal. She stated that OCC has seen many cases in which psychiatric ill persons have been treated inappropriately, injured and, in isolated tragic situations, have died in police custody. She stated that the officers lack the training to do proper evaluations on such cases. She further described cases in which officers were involved with psychiatrically ill persons.

Marykate Connor, Executive Director Coducers Outreach Services, urged the Commission for their approval of the proposal.

Chief Lau stated that the Department in all for training and stated concerns regarding the department doing work of other agencies and concerns that the department does not assume somebody else's responsibilities that are mandated by statutes. The Chief stated there are mandates and statutes that required other city agencies to handle this problem. Chief Lau stated that the department can support this issue in terms of finding other city monies or grants that are out there to provide these services.

Commissioner Chan discussed budget concerns.

Chief Lau stated that the department would like to approach this issue as a management prerogative as opposed to policy.

Officer Lynn Atkinson addressed the Commission regarding 5150 detentions. She stated that police are involved in assisting mental health, with transporting, taking somebody to the hospital. Officer Atkinson stated that officers are trained at the academy. She stated that training is available whenever she requested it.

Jo Heshman, Action of Police Accountability, presented letters of support to the Commissioner.

Mike McLune, Bay Area Police Watch, presented letter of proposal to the Commission.

Lieutenant Benner addressed the Commission regarding Psych Liaison Unit. He introduced Sgt. Fulton of the same unit. Lt. Benner stated he supports proposal of the OCC. He stated that training alone is not enough. He stated that the SFPD is the most trained in the state. However, the Health Department has more money in their budget and they have more staff than the Police Department. They have put together the Mobile Crisis Unit and he suggested that they should have 24 hour coverage to help the SFPD. SFPD can always benefit from the training because we deal with more psychiatrically ill individuals in the state. However to saddle the Police Department with the task and responsibility of the mental health and the Health Department is to continue the to do work of another agency and thereby undercut the ability of SFPD to do their own job.

Sgt. Forrest Fulton addressed the Commission. He talked about the grants and talked about training the SFPD in training on mental illness, people with disabilities, people who are mentally disabled and the SFPD

has, according to state figures, has more officers trained in that topic than any agencies in the State of California. Now is that enough training, it's not. He stated that the best thing for people who are mentally ill is to have voluntary treatment to centers, to have access to mental health care. They have one place to go in San Francisco if you're in psychiatric crisis and that's in SF General Hospital. He stated the Health Department is the department empowered by the State to deal with the issues of funding, response and appropriate care of people who are mentally ill. He stated that SFPD is training nationally on our model in San Francisco. He stated that SFPD is up to speed in as far as training is concern regarding psych illness.

Mr. William Bowser expressed his concerns.

Patricia Tulloch requested that more time be allowed to review the matter and not to vote tonight.

#### **RESOLUTION NO. 66-97**

#### **PROPOSAL OF SFPD PSYCHIATRIC ILLNESS RESPONSE SQUAD**

RESOLVED, that the Police Commission accepts in principal the statements and recommendations of the Office of Citizen Complaints as management prerogatives of the San Francisco Police Department.

AYES: Commissioner Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

#### **RESOLUTION NO. 67-97**

#### **AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE STATE OF CALIFORNIA OF ALCOHOLIC BEVERAGE CONTROL TO CONDUCT THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL 1997 GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROJECT**

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for, accept, and expend funds from the State of California of Alcoholic Beverage Control to conduct the State of California Department of Alcoholic Beverage Control 1997 Grant Assistance to Local Law Enforcement Agencies Project.

AYES: Commissioners Norman, Herrera, Chan  
RECUSED: Commissioner Petrillo  
ABSENT: Commissioner Perry

#### **RESOLUTION NO. 68-97**

#### **AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM A GRANT CONTINUATION, FROM THE ADMINISTRATION OF CHILDREN, YOUTH AND FAMILIES OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTINUE THE YOUTH GANG/DRUG PREVENTION PROGRAM THROUGH THE YEAR 2000**

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for, accept, and expend funds from a grant continuation, from the Administration of Children, Youth and Families of the United States Department of Health and Human Services to continue the Youth Gang/Drug Prevention Program through the year 2000.

AYES: Commissioners Norman, Herrera, Chan, Petrillo  
 ABSENT: Commissioner Perry

**CAPTAIN HEATHER FONG, COMMANDING OFFICER OF  
 CENTRAL STATION, TO ADDRESS THE COMMISSION ON  
 POLICE ACTIVITIES IN CENTRAL DISTRICT**

Captain Fong addressed the Commission regarding activities in the district. She presented awards to citizens for assisting in apprehending a robbery suspect and an award for assisting fire victims.

**PUBLIC COMMENTS**

Tom Credon, President Scoma's Restaurant, discussed concerns and police protection in Fisherman's Wharf area.

Cynthia Wilks commended officers of Central Station.

Patricia Tulloch discussed concerns regarding arrests of African-American and discussed Aaron Williams matter.

Marsha Garland discussed missing pets, crime in the district and asked for more officers for Central. She also commended Captain Fong.

Mr. Luigi, Fior D'Italia, requested more officers for Central.

Arnold Chin, Chinese Chamber of Commerce, commended Captain Fong and requested for more officers.

Michelle Hubbard, Geary Corridor, discussed drug dealing and requested more officers.

Bob Wynn, Geary Corridor Assoc., discussed concerns.

Daniel Pays discussed actions of police.

Angela Chu thanked Captain Fong and officers of Central.

Michael Alexander, North Beach Neighbors, commended Captain Fong and requested for more bike patrol.

William Bowser inquired about status of Officer Andaya after his return from suspension.

Tony discussed concerns regarding Andaya matter.

Father John Ryan, St. Peter and Paul, commended officers of Central.

Phillip Fay, commended Captain Fong and requested full staffing.

Robert Garcia, Save Our Streets, discussed crime in the Tenderloin.

Dan Hines, General Manager DeSoto Cab, discussed crime on 800 block of Geary.

Thereafter, the meeting was adjourned at 9:10 p.m.

---

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

1137/rc





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, MAY 7, 1997  
5:15 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

**DOCUMENTS DEPT.**

**MAY 08 1997**

**SAN FRANCISCO  
PUBLIC LIBRARY**

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Adele Roberts v. CCSF, Anthony Ribera, Thomas Murphy, Frank Reed, Forrest Fulton & Woodrow Tennant, United States District Court, N.D. Cal. No. C94-4153 CAL

**PUBLIC COMMENT IS WELCOME**





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, MAY 7, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
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Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

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COURT N.D. Cal. No. C94-4153 CAL



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, MAY 7, 1997**  
**5:30 p.m.**

**CONSENT CALENDAR**

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Adele Roberts v. CCSF, Anthony Ribera, Thomas Murphy, Frank Reed, Forrest Fulton & Woodrow Tennant, United States District Court, N.D. Cal. No. C94-4153  
CAL



MAY 7, 1997

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:10 p.m. to 5:30 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

- a. Adele Roberts v. CCSF, Anthony Ribera, Thomas Murphy, Frank Reed, Forrest Fulton & Woodrow Tennant, United States District Court, N.D. Cal. No. C94-4153 CAL

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

MAY 7, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION

The Police Commission voted not to disclosed Closed Session discussion.

Motion by Commissioner Herrera, second by Commissioner Perry.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 69-97

ADELE ROBERTS v. CCSF, ANTHONY RIBERA, THOMAS  
MURPHY, FRANK REED, FORREST FULTON & WOODROW  
TENNANT

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Adele Roberts v. CCSF, Anthony Ribera, Thomas Murphy, Frank Reed, Forrest Fulton & Woodrow Tennant" in United States District Court, N.D., No. C94-4153 CAL for damages sustained, be, and the same is hereby approved.

Date of Incident: May 8, 1992 through November 1992

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

POLICE COMMISSION REPORT

Commissioner Herrera discussed the meeting of May 6th regarding changes in the Discipline System. He stated he attended the meeting along with various community groups.

CHIEF'S REPORT TO THE POLICE COMMISSION

Commander Pengel addressed the Commission for Chief Lau. She stated the Airport Commission approved management principals of the merger and stated merger is going well.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, stated the new brochure is now out and stated that she met with Commissioners Norman and Chan.



PUBLIC COMMENTS

Paul McLash discussed problems at Geary Corridor and Polk Street. He suggested more plainclothes officers in area.

Unidentified asked why Andaya matter was put over.

Unidentified discussed concern regarding Andaya.

Thereafter, the meeting was adjourned at 5:55 p.m.

---

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

1137/rc





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, MAY 14, 1997  
5:15 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

DOCUMENTS DEPT.

MAY 12 1997  
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5/9/97

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Settlement of Existing Litigation:

- a. Grange Insurance Co. as Subrogee for Timothy, Dorothy & Rachel Renstrom v. CCSF, Unlitigated Claim No. 97-02876

PUBLIC COMMENT IS WELCOME





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, MAY 14, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Taxicab Stock Transfer Request from the Yellow Cab Cooperative
9. Discussion and Action re: Amendment to Penal Code Section 830.7
10. Discussion and Action re: Revision of Rules for Patrol Special Officer and Assistant Patrol Special Police Officers
11. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, MAY 14, 1997  
5:30 p.m.**

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Grange Insurance Co. as Subrogee for Timothy, Dorothy & Rachel Renstrom v. CCSF, Unlitigated Claim No. 97-02876
2. Request of the Chief of Police to accept Donation of a Bicycle, from the Greater Geary Boulevard Merchants Association, for the Richmond Station

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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MAY 14, 1997

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:20 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

- a. Grange Insurance Co. As Subrogee for Timothy, Dorothy & Rachel Renstrom v. CCSF, Unlitigated Claim No. 97-02876

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

MAY 14, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION

The Commission voted not to disclosed discussion held in Closed Session. Motion by Commissioner Perry, second by Commissioner Chan.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 71-97

GRANGE INSURANCE CO. AS SUBROGEE FOR TIMOTHY,  
DOROTHY & RACHEL RENSTROM v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of "Grange Insurance Co. as Subrogee for Timothy, Dorothy & Rachel Renstrom v. CCSF" in Unlitigated Claim No. C97-02876 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 18, 1996

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

RESOLUTION NO. 72-97

APPROVAL TO ACCEPT DONATION OF A BICYCLE FROM  
THE GREATER GEARY BLVD. MERCHANTS ASSOCIATION  
FOR USE OF THE RICHMOND STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of a Diamond Back MTB, ZETC, 2.1 bicycle, from the Greater Geary Boulevard Merchants Association, for use of the Richmond Station.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

POLICE COMMISSION REPORT

Commissioner Norman discussed ride-along after the District Meeting of April 30th.

Next District Meeting will be on May 28th, in the Tenderloin



District.

### **CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau discussed the death of Captain Thomas Petrini.

Commissioner Norman discussed Operation Parks and requested that it be calendared. Deputy Chief Holder stated that he would like to meet with the Coleman Advocates and that the item be calendared in two to three months.

### **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, discussed new brochure and presented the Commission with a letter to the Chronicle.

She discussed the budget and discussed the Airport merger and Patrol Specials. She discussed full staffing and stated she talked with the Mayor's budget analyst. She stated that the case closure rate is up and cases sustained are up. She stated she will report next week regarding stats.

Commissioner Norman discussed the Northwest Bernal Alliance letter and commended the officers for graffiti arrests.

### **DISCUSSION AND ACTION RE: TAXICAB STOCK TRANSFER REQUEST FROM THE YELLOW CAB COOPERATIVE**

Commissioner Norman stated she received a letter from Phil Ward and stated she received it late because she was out of town.

Commissioner Petrillo entered a motion that the item be put over for discussion and for review of information.

### **PUBLIC COMMENTS re: Taxi**

Mark Gruberg, driver Yellow Cab, suggested no delays.

Arthur Lembke support transfer.

Julie Simms, Office of Senator Kopp, read a statement from Senator Kopp.

James Maddux, Yellow Cab driver #733, keep corporate permits.

Charles Rathbone, driver, deny request.

Stephen for Yellow transfer.

William, driver, against transfer.

Charles Walker, permit holder, concurs.

Terra Housman, driver DeSoto, against transfer.

Mae Tong, dispatcher for Yellow, for transfer.

Shaw, driver, against transfer.

Richard Weiser, Yellow Cab, for transfer.

Ruth Grafis, United Taxi Workers, against transfer.

William Lazar, Vice President Luxor Cab, discussed concerns.

Put over to May 28th.

### **RESOLUTION NO. 70-97**

### **AMENDMENT TO PENAL CODE SECTION 830.7**

WHEREAS, Patrol Special Police Officers and Assistant Patrol Special Police Officers are valued members of the San Francisco Police Department; and

WHEREAS, Patrol Special Police Officers and Assistant Patrol Special Police Officers need formal authority from the California State Legislature to fully perform all the duties which the Police Commission and the Chief of Police require of these officers; and

WHEREAS, the granting of these arrest powers to these officers will give them the necessary authority to perform general law enforcement duties; therefore be it

RESOLVED, that the San Francisco Police Commission requests the California Legislature to amend Penal Code Section 830.7 to grant Patrol Special Police Officers and Assistant Patrol Special Police Officers arrest powers equal to other peace officers in the State. Although these powers are granted by the Penal Code, they will not be exercised by these officers until the Commission votes to authorize said powers.

**DISCUSSION AND ACTION RE: REVISION OF RULES FOR  
PATROL SPECIAL OFFICERS AND ASSISTANT PATROL  
SPECIAL POLICE OFFICERS**

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Lieutenant Pecinovsky stated he was at the Police Memorial in Sacramento on May 8th. He asked for adoption of rules.

Mary Dunlap supports rules by has budget concerns.

Commissioner Perry discussed training and insurance liability.

Linda Ross, City Attorney's Office, discussed concerns regarding changes.

Keith McHenry discussed concerns with patrol specials being under Deputy Chief Holder.

Put over to July 9th.

**PUBLIC COMMENTS**

Keith McHenry discussed police staffing and terrorism.

Lavoria Peacemore discussed concerns regarding actions of police.

Motion by Commissioner Petrillo and second by Commission Chan to adjourn meeting in memory of Captain Thomas Petrini.

---

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

1137/rc



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS  
POLICE COMMISSION MEETING**

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meeting on Wednesday, May 21, 1997. The next Police Commission Regular Meeting will be on Wednesday, May 28, 1997, at 6:00 p.m., in the Tenderloin District, at the Y.M.C.A., 220 Golden Gate Avenue, San Francisco.

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MAY 16 1997

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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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MAY 23 1997

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**

**WEDNESDAY, MAY 28, 1997**

**5:45 p.m.**

**TENDERLOIN DISTRICT  
Y.M.C.A.  
220 Golden Gate Avenue  
San Francisco**

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

- a. Unspecified to protect settlement posture

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

L.T. MANUEL BARILETTA  
Secretary





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, MAY 28, 1997  
6:00 p.m.**

***TENDERLOIN DISTRICT  
Y.M.C.A.  
220 Golden Gate Avenue  
San Francisco***

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

**DOCUMENTS DEPT.**

**MAY 29 1997**

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PUBLIC LIBRARY**

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
  - a. Motion of Calendaring of New Items
4. Chief's Report to the Police Commission
5. OCC Director's Report to the Police Commission
6. Discussion and Action re: Taxicab Stock Transfer Request from the Yellow Cab Cooperative
7. Captain John Goldberg, Commanding Officer of the Tenderloin Task Force, to Address the Commission on Police Activities in the Tenderloin District
8. Public Comments  
**(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)**

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(Chapter 67 of the San Francisco Administrative Code)***

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5  
8/97  
The San Francisco Police Commission  
&  
The Tenderloin Task Force

*Cordially Invite You to Attend*

The Monthly District Meeting  
of  
The San Francisco Police Commission

Wednesday, May 28, 1997

Y.M.C.A.  
220 Golden Gate Ave.

Time: 6:00 p.m.

DOCUMENTS DEPT

MAY 29 1997

SAN FRANCISCO  
PUBLIC LIBRARY

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5/23/97

Come and meet The San Francisco Police Commission.  
There will be a public comment session during the meeting. (\*)

(\*) Members of the public may address the commission for up to 3 minutes  
for individuals or up to 5 minutes for groups. The President of the  
Commission may limit the total testimony time.



MAY 28, 1997EXECUTIVE SESSION

The Police Commission of the San Francisco Police Department met in the Tenderloin District, Y.M.C.A., 220 Golden Gate Avenue, San Francisco, at 5:50 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

a. Unspecified to protect settlement posture

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

MAY 28, 1997REGULAR MEETING

The Police Commission of the San Francisco Police Department met in the Tenderloin District, Y.M.C.A., 220 Golden Gate Avenue, San Francisco, at 6:10 p.m., in Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

The Commission voted not to disclose discussion held in Closed Session. Approved 5-0.

POLICE COMMISSION REPORT

Commissioner Norman welcomed the audience and introduced the Commissioners.

Commissioner Norman stated the next meeting will be on June 4th and no meeting on June 11th. She further stated that there is a meeting put on by the Mayor's Office on July 7th at the Herbst Theatre for taxi drivers.

Commissioner Norman also acknowledged presence of Paul Cummins from the District Attorney's office.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau discussed upcoming events for the Special Olympics. He stated there will be a luncheon at One Market Plaza and two officers on billboard to raise money for the Special Olympics.

Deputy Chief Holder discussed Carnival from May 23rd to May 25th. He stated 59 arrests and 87 citations (traffic) were issued. He commended the officers that worked the event.

Commissioner Norman acknowledged Deputy Chief Holder as Father-of-the-Year from the Juvenile Diabetes Foundation.

Captain Hettrich briefed the Commission regarding Citizens Patrol. He stated that the group has expanded to other districts.

Chief Lau thanked Captain Goldberg and members of the Tenderloin Task Force.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, described the duties and responsibilities of the OCC and stated they are still looking to fill the chief investigator's position.

She updated the Commission regarding additional investigators as a result of the Airport merger.

**DISCUSSION AND ACTION RE: TAXICAB STOCK TRANSFER  
REQUEST FROM THE YELLOW CAB COOPERATIVE**

Mark Grueberg, united Taxi, against transfer.  
Steven Reamers, Yellow Cab driver, for transfer.  
Shirley Simms, Office of Quentin Kopp, read a statement from  
Quentin Kopp.

Ralph, taxi driver, for transfer.  
Steve, against transfer.  
Nathan Dewey, Yellow Cab, for transfer.  
Jerry Smith, Yellow Cab, for transfer.  
Karen, against transfer.

Commissioner Herrera asked Tom Owen, City Attorney's Office, regarding legal opinion on Commission Rules 4 & 5. Mr. Owens responded that there are three basic principles that the Commission should keep in mind. First, that the Commission does have discretion to approve some stock or asset transfers in excess of 10%; Second, the rules adopted by prior Commission are a statement of how that Commission intended to exercise that discretion with Prop K; Third, this Commission also has that discretion under Prop K. It is not bound by the rules adopted by prior Commission.

Commissioner Chan asked question how to resolved contradictions between Prop K and Commission Rules. Mr. Owen responded to questions of Commissioner Chan. Mr. Owen stated that rules are ambiguous and because the ordinance does not explain what types of transfers may be approved, the Commission, as the administrative body charged with implementing the ordinance, has the discretion and the responsibility to determine which transfers are in conformity with the requirements of Prop K. He also stated that the question whether the Commission has discretion over Prop K was litigated was in fact litigated in the Wheeler case. Judge Cahill of the Superior Court agreed that the Commission did have this discretion and remanded the matter to the Commission for its consideration. That case was eventually dismissed. But pursuant to Judge Cahill's remand, the prior Commission adopted a series of rules explaining how it interpreted Prop K and how it intended to implement Section 5. These rules do not contradict or conflict with Prop K. Prop K does not intend to define what types of transfers would be in conformity with the requirements of Prop K or even what relevant requirements of Prop K are for these purposes. The rules represent one possible administrative interpretation of Prop K but it was an interpretation that the prior Commission was authorized to make. The Commission still possesses the full discretion vested in them under Prop K, even the decision not to approve any transfers is in fact in exercise of that discretion. The existing Commission rules are only a statement of how the Commission intends to exercise this discretion. The Commission may ultimately exercise its authority on this section by in any lawful manner even that exercise of discretion means that the Commission disapproves transfers otherwise sanctioned under the existing Commission rules.

Commissioner Petrillo asked Mr. Owen regarding Commission rules and Prop. K.

Commissioner Chan stated existing rules are misleading.

Commissioner Petrillo made motion to deny, second by  
Commissioner Perry. Denied 4-1.

#### **RESOLUTION NO. 73-97**

#### **DENIAL OF TAXICAB STOCK TRANSFER REQUEST FROM THE YELLOW CAB COOPERATIVE**

RESOLVED, that the request for stock transfer by Yellow Cab Cooperative is denied.

AYES: Commissioners Norman, Herrera, Petrillo, Perry  
NAYS: Commissioner Chan

**CAPTAIN JOHN GOLDBERG, COMMANDING OFFICER OF  
THE TENDERLOIN TASK FORCE, TO ADDRESS THE  
COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN  
DISTRICT**

---

Chief Lau introduced the Commanding Staff; Deputy Chief Holder, Deputy Chief Pengel, Commanders Pisciotto and Portoni and Assistant Chief Sanders.

Captain Goldberg thanked Carmela Gould, YMCA, and introduced Lieutenants Jim Fry, Joe Dutto, Art Tapia, and Paul Chignell. He further thanked the staff and officers of TTF.

Captain Goldberg described the district, policing and activities.

Commissioner Norman discussed prostitution and reducing priority of prostitution enforcement and more enforcement against domestic violence.

Commissioner Herrera commended Captain Goldberg and member of the Tenderloin Task Force.

**PUBLIC COMMENTS**

Ed Evans suggested that TTF be made a permanent company.

Marious Phillips discussed police staffing and crime in the Tenderloin.

Anna Boltin discussed prostitution, drugs and read a letter regarding more Asian officers.

Jim Thompson, Community on Patrol, thanked Captain Goldberg.

Vicki Blasacki discussed more officers for the district.

Thereafter, the meeting was adjourned at 8:30 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc

PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE  
CHARGES FILED AGAINST OFFICER ANTHONY DAMATO,  
NORTHERN STATION (FILE NO. 0086-95 BSK)

*May 29, 1997*

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Anthony Damato, Northern Station, was called at 2:00 p.m., it having been continued from Tuesday, March 18, 1997.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony Damato appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

The following witnesses appeared for the Department, were sworn and testified:

Jeffrey Herzenberg  
Officer Anthony Damato

The following witnesses appeared for the Defense, were sworn and testified:

Officer Patrick Overstreet  
Sergeant David Collins

The following exhibits were identified and entered into evidence by the Defense:

Exhibit D	Copy of Transcripts, 3/18/97
Exhibit E	Copy of OCC Complaint #086-95
Exhibit F	Photograph of Jeffrey Herzenberg
Exhibit G	Copy of Complaint (2 pages)
Exhibit H	Copy of OCC Work Summary - Herzenberg
Exhibit I(1)	Black high top military issued boot (right)
Exhibit I(2)	Black high top military issued boot (left)

The meeting was then adjourned at 6:00 p.m. to be continued on May 30, 1997.

(The entire proceedings were taken down in shorthand form by Ms. Linda Pransky, CSR.)

*May 30, 1997*

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Anthony Damato, Northern Station, was called, it having been continued from Thursday, May 29, 1997.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony Damato appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

The following witnesses were called by the Defense, were sworn and testified:

Craig Heimerdinge  
 Paul Cummins  
 Inspector Robert O'Sullivan  
 Francis Connolly  
 Sergeant William Roualdes  
 Captain Richard Cairns

The following exhibits were identified and entered into evidence by the Defense:

Exhibit J Attorney's Office	Copy of Charging Guidelines, District
Exhibit K	Copy of Court Docket, Jeffrey Herzenberg
Exhibit L (2 pages)	Copy of Chronological Report #950031618

The following exhibits were entered for identification by the Defense:

Exhibit M	Photo of knife
Exhibit N	Copy Curriculum Vitae "Connolly"
Exhibit O	Polygraph Worksheet
Exhibit P	Report from Connolly to Katherine Mahoney

The hearing was then adjourned at 3:10 p.m. to be continued on Wednesday, June 4, 1997.

Recess taken during the hearing of Officer Damato:

10:55 a.m. to 11:05 a.m.  
 11:30 a.m. to 1:30 p.m.  
 2:35 p.m. to 2:45 p.m.

(The entire proceedings were taken in shorthand by Ms. Linda Pransky, CSR.)

---

Lieutenant Manuel Barretta  
 Secretary  
 THE POLICE COMMISSION

1137/rc





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, JUNE 4, 1997  
5:00 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

DOCUMENTS DEPT. LT. MANUEL BARRETTA  
Secretary

JUN 05 1997

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Rudi Acosta v. City & County of San Francisco, USDC C92-4321 THE
- b. Guy Rice v. CCSF, et al., USDC No. C96-1396
- c. Claim of Charles & Megan Ackerley v. CCSF, Subrogee: USAA Insurance Company, Claim No. 97-02633
- d. Unspecified to protect settlement posture

PUBLIC COMMENT IS WELCOME



**PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE  
CHARGES FILED AGAINST OFFICER ANTHONY DAMATO,  
NORTHERN STATION (FILE NO. 0086-95 BSK)**

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*June 4, 1997*

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Anthony Damato, Northern Station, was called at 2:00 p.m., it having been continued from Friday, May 30, 1997.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony Damato appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

The following witness was called by the Department, was sworn and testified:

Linda Marmolejo

The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 2                      Photo

Exhibit No. 3                      Photo

Exhibit No. 4                      Photo

The following exhibits were entered for identification by the Defense:

Exhibit Q                      Copy of Transcript

Exhibit R                      Copy of Transcript

The hearing was then adjourned at 3:25 p.m. to be continued on Tuesday, June 10, 1997.

(The entire proceedings were taken in shorthand by Ms. Linda Pransky, CSR.)

*June 10, 1997*

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Anthony Damato, Northern Station, was called at 6:35 p.m., it having been continued from Wednesday, June 4, 1997.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony Damato appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

The following witness was called by the Defense, was sworn and testified:

David Franzblau

The hearing was then adjourned.

(The entire proceedings were taken in shorthand by Ms. Linda Pransky, CSR.)

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



- a. Rudi Acosta v. City & County of San Francisco, USDC C92-4521



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, JUNE 4, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
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San Francisco, California*

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DENNIS J. HERRERA  
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SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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JUN 05 1997  
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1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of OCC Statistical Report, First Quarter 1997
9. Request of the Chief of Police to Apply for, Accept and Expend Funds from the State Office of Criminal Justice to Continue the Suppression of Drug Abuse in the Schools Program
10. Discussion and Action re: Revised General Order 3.15, "Personal Property Claims," New General Order 5.16, "Obtaining Search Warrants," Revised General Order 6.16, "Sexual Assaults" and Revised General Order 11.10, "Physical Fitness and Wellness Evaluation Program"



- a. Rudi Acosta v. City & County of San Francisco, USDC C92-4321



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, JUNE 4, 1997  
5:30 p.m.**

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

11. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claims:
- a. Rudi Acosta v. City & County of San Francisco, USDC C92-4321 THE
  - b. Guy Rice v. CCSF, et al, USDC No. C96-1396
  - c. Claim of Charles & Megan Ackerley v. CCSF, Subrogee: USAA Insurance Company, Claim No. 97-02633

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



JUNE 4, 1997EXECUTIVE SESSION

The Police Commission of the San Francisco Police Department met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, in Closed Session.

Government Code 54956.9(a)  
CONFERENCE WITH LEGAL COUNSEL

- a. Rudi Acosta v. City & County of San Francisco, USDC C92-4321  
THE
- b. Guy Rice v. CCSF, et al, USDC No. C96-1396
- c. Claim of Charles & Megan Ackerley v. CCSF, Subrogee: USAA Insurance Company, Claim No. 97-02633
- d. Unspecified to protect settlement posture
- e. City & County of San Francisco v. City of Oakland, No. 986855

PRESENT: Commissioners Herrera, Chan, Petrillo, Perry  
ABSENT: Commissioner Norman

JUNE 4, 1997REGULAR MEETING

The Police Commission of the San Francisco Police Department met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Petrillo, Perry  
ABSENT: Commissioner Norman

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

Motion by Commissioner Petrillo, second by Commissioner Perry not to disclose Closed Session discussion. Approved 4-0.

APPROVAL OF CONSENT CALENDARRESOLUTION NO. 75-97RUDI ACOSTA v. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of claim of "Rudi Acosta v. City & County of San Francisco" in United States District Court No. C92-4321 THE for damages sustained, be, and the same is hereby approved.

Date of Incident: April 29, 1995

AYES: Commissioners Herrera, Chan, Petrillo, Perry  
ABSENT: Commissioner Norman

RESOLUTION NO. 76-97GUY RICE v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of claim of "Guy Rice v. CCSF, et al" in United States District Court, N.D. Cal. No. C96-1396 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 29, 1995

AYES: Commissioners Herrera, Chan, Petrillo, Perry  
ABSENT: Commissioner Norman

RESOLUTION NO. 77-97

CHARLES AND MEGAN ACKERLEY v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "Charles and Megan Ackerley v. CCSF" in Unlitigated Claim No. 97-02633 for damages sustained, be, and the same is hereby approved.

Date of Incident: November 6, 1996

AYES: Commissioners Herrera, Chan, Petrillo, Perry  
ABSENT: Commissioner Norman

POLICE COMMISSION REPORT

No District Meeting on June 25th. It will be a Regular Meeting in Room 551, Thomas J. Cahill Hall of Justice.

CHIEF'S REPORT TO THE POLICE COMMISSION

None.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, asked for support of the Commission regarding the budget.

PRESENTATION OF OCC STATISTICAL REPORT, FIRST  
QUARTER 1997

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Put over for June 18th.

RESOLUTION NO. 78-97

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND  
COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT, AND  
EXPEND FUNDS FROM THE STATE OFFICE OF CRIMINAL  
JUSTICE TO CONTINUE THE SUPPRESSION OF DRUG ABUSE  
IN THE SCHOOLS PROGRAM

---

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for, accept, and expend funds from the State Office of Criminal Justice to continue the Suppression of Drug Abuse in the Schools Program.

AYES: Commissioners Herrera, Chan, Petrillo, Perry  
ABSENT: Commissioner Norman

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER  
3.15, "PERSONAL PROPERTY CLAIMS," NEW GENERAL  
ORDER 5.16, "OBTAINING SEARCH WARRANTS," REVISED  
GENERAL ORDER 6.16, "SEXUAL ASSAULTS" AND REVISED  
GENERAL ORDER 11.10, "PHYSICAL FITNESS AND  
WELLNESS EVALUATION PROGRAM"

---

Commissioner Herrera asked that General Orders 3.15 and 5.16 be put over to June 18th.

Officer Sally DeHaven presented General Orders 6.16 and 11.10.

Lieutenant Mary Stasko explained purpose of changes on General Orders 6.16 and 11.10.

**RESOLUTION NO. 79-97****APPROVAL OF REVISED GENERAL ORDER 6.16, "SEXUAL ASSAULTS"**

RESOLVED, that the Police Commission hereby approves revised General Order 6.16, "Sexual Assaults."

AYES: Commissioners Herrera, Chan, Petrillo, Perry  
ABSENT: Commissioner Norman

**PUBLIC COMMENTS**

Reverend Cecil Williams addressed the Commission regarding Aaron Williams.

Commissioner Herrera addressed June 26th hearing.

William Bowser addressed renumber number of Commissioners hearing the case.

Van Jones, Police Watch, asked for a moment of silence for Aaron Williams and discussed Officer Andaya matter.

Unidentified read a poem.

Patricia Tulloch, POWER, discussed concerns regarding Aaron Williams.

Unidentified discussed concerns regarding Aaron Williams and Mark Garcia.

Daniel Garcia, Sr., brother of Mark Garcia, discussed concerns regarding Aaron Williams.

Daniel Garcia, Jr., cousin of Mark Garcia, discussed concerns regarding police actions.

Gerard Koskavich discussed concerns regarding actions of police.

Jessie Muldoon asked that Officer Andaya be fired.

Mike Aerege discussed concerns regarding Aaron Williams and actions of police.

Greg Finley discussed concerns regarding actions of police.

Jeremy Graham discussed concerns regarding actions of police.

Robert discussed concerns regarding actions of police and asked to revamp standards for new hiring.

Keith McHenry, Food Not Bombs, asked that Officer Andaya be fired and discussed actions of police.

Joyce Miller discussed discipline against Marc Andaya and asked that pepper spray not be used.

Ian K. read a statement.

Cornelius Hall discussed concerns regarding Aaron Williams and Mark Garcia and concerns regarding use of pepper spray.

Lavoria Peacemore discussed concerns regarding actions of Officer Danker on May 22nd.

Dave Seifer asked that Officer Andaya be fired.

Leslie Sheehan, wife of Ed Sheehan, asked that Haggett be fired.

Jennifer Rebowsky, CUAV, asked that Officer Andaya be fired.

Joe Heshman, fire Andaya.

Robert N., Stop Actions of Police, discussed concerns regarding actions of police.

Gerald Smith, COP Watch, discussed actions of police.

Chris Daly, Action for Police Accountability, asked that Marc Andaya be fired.

Frank Martin Del Campo, Local 790, asked the Commission to do their duty.

Judy Appel supports Aaron Williams family and discussed actions of police and asked that Marc Andaya be fired.

Mr. Cutting stated that Commission should be held responsible.

William Walker, fire Andaya.

Jose stated that officers be held accountable.

98  
Thereafter, the meeting was adjourned at 7:35 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS**  
**POLICE COMMISSION MEETING**

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meeting on *Wednesday, June 11, 1997*. The next Police Commission Regular Meeting will be on *Wednesday, June 18, 1997* at 5:30 p.m. in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco

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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, JUNE 18, 1997  
5:00 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE FERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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JUN 19 1997 Fax Copy  
1st Posted

SAN FRANCISCO 6/13/97  
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1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Estate of David J. Arnold v. CCSF, et al, USDC No. C97-0587 MMC & C96-3754 MMC (Consolidated)
- b. Maher Abuyaghi v. CCSF, Municipal Court No. 127-832
- c. Lombardo v. CCSF, USDC 94-2965

PUBLIC COMMENT IS WELCOME



THE [illegible] OF [illegible]

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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, JUNE 18, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

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Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

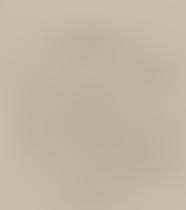
LT. MANUEL BARRETTA  
Secretary

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JUN 19 1997

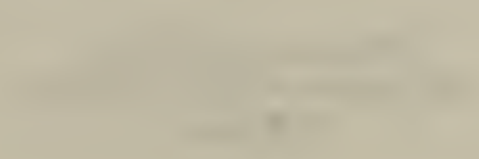
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PUBLIC LIBRARY

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
4. Approval of Consent Calendar
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Officer Ena C. Ferdinand, Traffic Division  
(File Nos. C97-091 JWA & C97-104 JWA)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Disciplinary Charges Filed Against Officer John S. Propst, Support Services  
(File No. C97-092 JWA)
7. Police Commission Report
  - a. Motion of Calendaring of New Items
8. Chief's Report to the Police Commission
9. OCC Director's Report to the Police Commission
10. Presentation of OCC Statistical Report, First Quarter 1997
11. Discussion and Action re: Revised General Order 3.15, "Personal Property Claims," and New General Order 5.16, "Obtaining Search Warrants"



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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, JUNE 18, 1997  
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Vice President

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Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

12. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claims:
- a. Estate of David J. Arnold v. CCSF, et al, USDC No. C97-0587 MMC & C96-3754 MMC (Consolidated)
  - b. Maher Abuyaghi v. CCSF, Municipal Court No. 127-832
  - c. Lombardo v. CCSF, USDC 94-2965

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**JUNE 18, 1997****EXECUTIVE SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, from 5:00 p.m. to 5:30 p.m., in Closed Session.

Government Code 54956.9(a)  
CONFERENCE WITH LEGAL COUNSEL

- a. Estate of David J. Arnold v. CCSF, et al, USDC No. C97-0598 MmC & C96-3754 MMC (Consolidated)
- b. Maher Abuyaghi v. CCSF, Municipal Court No. 127-832
- c. Lombardo v. CCSF, USDC 94-2965

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**JUNE 18, 1997****REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, from 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

Motion by Commissioner Perry, second by Commissioner Herrera not to disclose Closed Session discussion. Approved 5-0.

**APPROVAL OF CONSENT CALENDAR****RESOLUTION NO. 80-97****ESTATE OF DAVID J. ARNOLD v. CCSF, et al,**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Estate of David J. Arnold v. CCSF, et al" in USDC No. C97-0587 MMC & C96-3754 MmC (Consolidated) for damages sustained, be, and the same is hereby approved.

Date of Incident: February 23, 1995

AYES: Commissioners Norman, Herrera, Chan, Petrillo,  
Perry

**RESOLUTION NO. 81-97****MAHER ABUYAGHI v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Maher Abuyaghi v. CCSF" in Municipal Court No. 127-832 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 13, 1995

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 82-97****LOBARDO v. WEATHERMAN, et al**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Lombardo v. Weatherman, et al" in United States District Court No. C94-2965 and United States Court of Appeals No. 97-15049 for damages sustained, be, and the same is hereby approved.

Date of Incident: February, 1993 - August, 1994

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 83-97****ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ENA C. FERDINAND, TRAFFIC DIVISION (FILE NOS. C97-091 & C97-104 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Ena C. Ferdinand, Traffic Division, was called it having been set for this date; and

WHEREAS, Commissioner Edward Petrillo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ferdinand; therefore be it

RESOLVED, that Commissioner Petrillo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ena C. Ferdinand, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 84-97****ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL DISCIPLINARY CHARGES FILED AGAINST OFFICER JOHN S. PROPST, SUPPORT SERVICES (FILE NO. C97-092 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer John S. Propst, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Propst; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer John S. Propst, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

Commissioner Norman stated there is not meeting on July 2nd. Next meeting will be on July 9th.

Commissioner Petrillo discussed meeting with taxi drivers and the Mayor on June 7th. Commissioner Petrillo also stated he attended My Favorite Copy luncheon on Tuesday, June 17th. Sergeant Joe Zamagni and Officer Chuck Limbert were the recipients.

Commissioner Herrera asked that calendar of drivers training of officers and resources be available.

### **CHIEF'S REPORT TO THE POLICE COMMISSION**

Officer Sherman Ackerson presented a Citizen's Award to Mr. Edward DeLeo.

### **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, stated that the OCC is waiting for budget increase and that applications for the position of Chief Investigator is closed. They are in the process of reviewing resumes. She stated that there are positions open for investigators.

Director Dunlap also stated that policy recommendations are forthcoming.

### **PRESENTATION OF OCC STATISTICAL REPORT, 1st QUARTER 1997**

Director Dunlap presented statistical report.

Commissioner Norman discussed letter regarding Orientation of Commissioners.

Commissioner Petrillo inquired regarding Chief Investigator applications.

Keith McHenry discussed concerns regarding sustained case filed with the OCC.

### **DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 3.15, "PERSONAL PROPERTY CLAIMS," AND NEW GENERAL ORDER 5.16, "OBTAINING SEARCH WARRANTS"**

Officer Sally DeHaven presented General Order 3.15.

Captain Ron Roth presented General Order 5.16.

### **RESOLUTION NO. 85-97**

### **ADOPTION OF REVISED GENERAL ORDER 3.15, "PERSONAL PROPERTY CLAIMS" AND NEW GENERAL ORDER 5.16, "OBTAINING SEARCH WARRANTS"**

RESOLVED, that the Police Commission hereby approves adoption of revised General Order 3.15, "Personal Property Claims" and new General Order 5.16, "Obtaining Search Warrants."

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

### **PUBLIC COMMENTS**

Van Jones discussed concerns regarding Marc Andaya and asked that he be fired.

Todd James discussed concerns regarding Marc Andaya and asked that he be fired.

Harmony Goldberg discussed concerns regarding Marc Andaya.

JoHeshman asked that Marc Andaya be fired.

Pat Moriella asked that Marc Andaya be fired.

Mike Mcberne read a letter from an attorney and suggested that Andaya be fired.

William Walker stated fire Andaya.

Amber Lowe stated fire Andaya.

Unidentified discussed concerns regarding Andaya.

Ed Merchant discussed concerns regarding actions of police.

Patricia Tulloch discussed concerns regarding actions of police.

Lavoria Peacemore discussed actions of police.

Philip Faye discussed concerns regarding prostitution in downtown area and commended Captains Goldberg and Fong for their efforts.

Robert Gareia, Save Our Streets, thanked the department for efforts in downtown area.

Lynette Robinson, Aunt of Aaron Williams, discussed concerns.

William Bowser, Uncle of Aaron Williams, discussed concerns.

Jeanette Frazier discussed concerns regarding Andaya.

Unidentified discussed concerns regarding actions of police.

Judith Appel, Coaliton on Homelessness, discussed concerns regarding Anday.

Jeremy Williams discussed concerns regarding Mary Dunlap.

Shasta stated fire Andaya.

Cornelius Hall stated fire Andaya.

Kim Mulchesna stated fire Andaya.

Shannon discussed concerns regarding Andaya.

Ingrid Turner stated fire Andaya.

David Welsh stated fire Andaya.

Kiana stated fire Andaya.

Robert Mullins discussed concerns regarding actions of police.

Thereafter, the meeting was adjourned.

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Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, JUNE 25, 1997  
5:30 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
  - a. Motion of Calendaring of New Items
4. Chief's Report to the Police Commission
5. OCC Director's Report to the Police Commission
6. Request of the Chief of Police for Approval to Accept Donation of TRAK Computer System from the Social Tech, Inc., valued at approximately \$8,500.00
7. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE  
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.



JUNE 25, 1997REGULAR MEETING

The Police Commission of the San Francisco Police Department met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

POLICE COMMISSION REPORT

No meeting on July 2nd. Next meeting will be on July 9th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief William Welch for Chief Lau.

Commander Santos briefed the Commission regarding Mayors' Conference the past week. He stated that President Clinton, Vice President Gore and 250 Mayors were in attendance. Everything went well.

Commissioner Norman inquired about Lt. Parra's wellbeing.

Commissioner Petrillo commended the department.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, stated no complaints regarding Mayors' Conference. She stated that discussion regarding budget is ongoing and they are still interviewing for Chief Investigator's position.

RESOLUTION NO. 86-97APPROVAL TO ACCEPT DONATION OF TRAK COMPUTER SYSTEM FROM SOCIALTECH INC.

WHEREAS, SocialTech, Inc., has generously offered to provide the San Francisco Police Department with one (1) TRAK computer system; and

WHEREAS, SocialTech, Inc. (a non-profit corporation) is providing the system through the sponsorship of the Koret Foundation and the United Way; and

WHEREAS, the computer system will enable the Police Department to establish a registered sex offender data base with both electronic and paper media; and

WHEREAS, the value of the system is approximately Eight Thousand Five Hundred Dollars (\$8,500.00); now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to authorize the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of one (1) TRAK Computer System from SocialTech, Inc., through sponsorship of the Koret Foundation and the United Way.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

PUBLIC COMMENTS - None.

Thereafter, the meeting was adjourned.

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Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION





**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

6/97  
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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**THURSDAY, JUNE 26, 1997**  
**8:30 a.m.**

***Thomas J. Cahill Hall of Justice***  
***850 Bryant Street, Room 551***  
***San Francisco, California***

PAT NORMAN  
President  
  
DENNIS J. HERRERA  
Vice President  
  
SIDNEY CHAN  
Commissioner  
  
EDWARD J. PETRILLO  
Commissioner  
  
CONNIE PERRY  
Commissioner  
  
LT. MANUEL BARRETTA  
Secretary

Hearing and Taking of Evidence on Disciplinary Charges filed Against Officer Marc Andaya,  
Headquarters Co., (File No. C97-036 JWA)

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HEARING OF OFFICER MARC ANDAYA, HEADQUARTERS  
COMPANY (FILE NO. C97-036 JWA)

*Thursday, June 26, 1997*

The hearing of Officer Marc Andaya was called it having been set for this date.

Officer Andaya was charged with violating the Rules and Procedures of the San Francisco Police Department in a properly verified amended complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Engaging in conduct which brings discredit on the department and which subverts the good order, efficiency and discipline of the department (violation of Rule A-9 of General Order D-1 and Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which brings discredit on the department and which subverts the good order, efficiency and discipline of the department (violation of Rule A-9 of General Order D-1 and Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which brings discredit on the department and which subverts the good order, efficiency and discipline of the department (violation of Rule A-9 of General order D-01 and Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4

Making significant false statements on his application and during the qualification process for employment by the City and County of San Francisco (violation of Rule 8.06 of the Civil Service Commission Rules);

Officer Andaya appeared in person and was represented by Mr. James A. Lassart, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Opening statements were made by Mr. Akins, for the Department, and Mr. Lassart, for the Defense.

Motion to exclude witnesses was granted by the Commission.

The following witnesses were called by the Department, were sworn and testified:

Sergeant Cornelius Johnson  
Mr. Roberto E. Fortes



Mr. Randolph Hall  
 Mr. Thomas Crawford  
 Sergeant Reno Rapagnani  
 Inspector Kelly Waterfield  
 Lieutenant Dennis Shinn, Oakland P.D.  
 Mr. Larry Carroll  
 Officer Marc Andaya  
 Mr. William Simpich (Testimony stricken)  
 Deputy Chief Melinda Pengel

The following witnesses were called by the Defense, were sworn and testified:

Mr. Lawrence J. Eade  
 Sergeant Richard Corriea  
 Officer Marc Andaya

The following exhibit was entered for identification by the Department:

Exhibit No. 41	Oakland P.D. Interoffice letter addressing Deputy Chief's concerns about Officer Andaya, dated 7/21/85
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The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 3	Copy of Lateral Entry Application Form
Exhibit No. 5	Personal History Statement (13 pages)
Exhibit No. 5A	Copy of Instructions to Applicant
Exhibit No. 45	Peace Officers Background Manual
Exhibit No. 13	Complaint Moore v. Andaya, U.S. District Court
Exhibit No. 15	Certified Copy of Complaint and Voluntary Dismissal, Martinez v. Andaya, U.S. District Court
Exhibit No. 20	Officer Andaya's Oakland P.D. Department "CIR" Internal Affairs Index (Partial)
Exhibit No. 21	Oakland P.D. CIR Internal Affairs Index (Complete)
Exhibit No. 42	Description of Oakland P.D. Review Board (1 page)
Exhibit No. 46	Citizens Complaint Board Summary
Exhibit No. 38	Completed POST Personal History Statement completed by Officer Andaya for the Oakland P.D., dated 8/1/89 (Pages 8, 11 and 12)
Exhibit No. 2	Civil Service Announcement of Lateral Entry Employment
Exhibit No. 8	Officer Andaya's Certification to

completeness of Applications, dated 5/27/94

The following exhibits were entered for identification by the Defense:

Exhibit B	SFPD Personnel File of Officer Andaya
Exhibit C	SFPD PIP Binder of Officer Andaya
Exhibit J	Copy of Transcript pages 385 thru 392, hearing of Officer Andaya, dated 2/8/97

The following exhibits were identified and entered into evidence by the Defense:

Exhibit A	SFPD Background File of Officer Andaya
Exhibit D	Oakland P.D. Records subpoenaed by SFPD
Exhibit E	Oakland P.D. Personnel File of Officer Andaya
Exhibit F	POST Background Investigation Manual
Exhibit G	Copy of Lateral Entry Employment Application of Officer Andaya
Exhibit H	Copy of MCD Statement of Complaint #A021-97, dated 1/29/97
Exhibit I Chronology	Copy of MCD Case A021-97 Investigative Chronology
Exhibit K	Copy of General Order 11.01 dated 8/24/94, Sections G, H, I, J, thru K.1.b, (3 pages)
Exhibit L	Copy Oakland Police Department General Order
Exhibit M	POST Administrative Manual

The hearing was then adjourned at 6:50 p.m. to be continued on Friday, June 27, 1997, at 8:30 a.m.

Recess taken during the hearing of Officer Marc Andaya:

10:10 a.m. - 10:40 a.m.  
12:20 p.m. - 1:10 p.m.  
2:40 p.m. - 2:55 p.m.  
4:10 p.m. - 4:20 p.m.  
5:25 p.m. - 5:40 p.m.

(The entire proceedings were in shorthand form by Ms. Mary Ann Zimmerer, CSR.)

*Friday, June 27, 1997*

The hearing of Officer Marc Andaya was called it having been continued from Thursday, June 26, 1997.

Officer Andaya appeared in person and was represented by Mr. James A. Lassart, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by Mr. Akins, for the Department, and Mr. Lassart, for the defense.

The Commission took the matter under submission, recessed for deliberation and returned with the following dispositions:

SPECIFICATION NO. 1

Sustain - (*As to the Civil Lawsuits filed by Mr. Moore & Mr. Martinez*)

AYES: Commissioners Herrera, Chan, Petrillo, Perry

SPECIFICATION NO. 2

Sustain

AYES: Commissioners Chan, Petrillo, Perry

NAY: Commissioner Herrera

SPECIFICATION NO. 3

Sustain

AYES: Commissioners Herrera, Chan, Petrillo, Perry

SPECIFICATION NO. 4

Sustain

AYES: Commissioners Herrera, Chan, Petrillo, Perry

The Commission requested a recommendation from the Chief. It was the recommendation of Chief Fred Lau that Officer Marc Andaya be terminated.

After receiving the Chief's recommendation, the Commission took a brief recess, returned and the following proceedings were held:

The following Character Witnesses were called by the Defense, were sworn and testified:

Lieutenant Bruce Marovich  
Officer Benjamin F. Denson, Oakland P.D.  
Officer Jane Grasso, Oakland P.D.

The Commission took the matter under submission, recessed and returned and the following resolution was adopted:

RESOLUTION NO. 87-97

**DECISION - HEARING OF OFFICER MARC ANDAYA,  
HEADQUARTERS DIVISION (FILE NO. C97-036 JWA)**

WHEREAS, on March 19, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges on Officer Marc Andaya, amended May 30, 1997, as follows:

SPECIFICATION NO. 1

- (1) At all times herein mentioned Marc M. Andaya, Star Number 1068, (hereinafter referred to as "the accused") was a police officer employed by the Oakland Police Department and concurrently was also a Police Officer Lateral Transfer candidate on a list of applicants for employment as Q-2 police officers in the San Francisco Police Department. On May 16, 1994, the accused was hired by the San Francisco Police Department and became a probationary police officer;
- (2) As a citizen, as a police officer, and as an applicant for employment, the accused was responsible for knowing and obeying the laws and ordinances of the United States, the State of California and the City and County of San Francisco, particularly as they apply to qualification for public employment. As a person seeking employment by the City and County of San Francisco, the accused was also responsible for knowing and obeying the rules, orders and procedures of the San Francisco Civil Service Commission applicable to persons seeking employment by the City and County of San Francisco;
- (3) As part of his application for employment as a San Francisco Police Officer, on March 1, 1994, the accused submitted a completed San Francisco Police Department Lateral Entry Employment Application, [SFPD form 75 (1/94)] with his signature dated February 22, 1994, to the San Francisco Police Department. At the end of the form, above the signature line on the Lateral Entry Employment Application, a highlighted title "Certification of Applicant" heads a paragraph containing the representation the applicant must make, certifying the accuracy of the statements on the form, in the following language:

*"I hereby certify that all statements made in this application are true and complete to the best of my knowledge."*

- (4) As part of his application for employment as a San Francisco Police Officer, on April 9, 1994, the accused submitted a completed Personal History Statement, [POST form 2-251 (Rev. 12/90)] with his signature dated April 4, 1994, to the San Francisco Police Department. The Personal History Statement is prescribed by the State of California, Commission on Peace Officers Standards and Training [POST], to facilitate the background investigation of prospective peace officer employees which is mandated by California Government Code §1031(d). At the end of the form, above the signature line on the Personal History Statement, a highlighted paragraph contains the representation the applicant must make, certifying the accuracy of the information made in completing the form, in the following language:

*"I hereby certify that all statements made in this personal history statement are true and complete, and I understand that any misstatements of material facts will subject me to disqualification or dismissal."*

- (5) The accused was hired and started training at the Police Academy on May 16, 1994. On May 27, 1994, while at the San Francisco Police Academy, the accused completed and signed a certification under penalty of perjury that he had not participated in any activity that would bring discredit on the Department which stated:

Statement

*"I have not participated in any activity that would tend to*

*bring discredit to the San Francisco Police Department or to the law enforcement agency(s) at which I was previously employed.*

*If you cannot in good conscience say the above statement is true, explain in the space provided above. Otherwise write "true" **TRUE**.* [The accused filled in block letters in bold]

*Certification*

*"I certify under penalty of perjury that the above is true and correct and that during the application process for Q-2 Police Officer up to and including the present time I have not withheld information nor have I responded untruthfully or evasively to any question or request for information in speech or in writing."*

- (6) The rules of the San Francisco Civil Service Commission and the Municipal Police Code for the City and County of San Francisco are explicit in requiring applicants for employment with the City and County to make full and complete disclosure of all the information requested on the application forms and during interviews. Rule 8, Section 8.06 of the San Francisco Civil Service Rules states:

*"FALSE STATEMENT BY APPLICANTS - Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the qualifications appraisal interview shall be good cause for exclusion by the commission of such person from any examination, the removal of the applicant's name from the eligible list and may be good cause for removal or discharge from the City and County service."* [Renumbered "Sec. 10.20" on 1/8/96]

Section 452 of the San Francisco Municipal Police Code, states:

*IT SHALL BE UNLAWFUL FOR ANY PERSON to impersonate another person, or permit or aid in any manner any other person to impersonate him in connection with any civil service examination conducted by the San Francisco Civil Service Commission, or in connection with any application for employment in the San Francisco municipal service; OR TO WILFULLY AND KNOWINGLY MAKE ANY FALSE, INCOMPLETE OR INCORRECT STATEMENT OF MATERIAL FACT IN, OR IN CONNECTION WITH, ANY APPLICATION TO PARTICIPATE IN A CIVIL SERVICE EXAMINATION FOR APPOINTMENT IN THE SAN FRANCISCO MUNICIPAL SERVICE and, upon conviction thereof, such person shall be punishable by a fine of not more than \$500, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment."* [Emphasis added]

- (7) The Lateral Entry Employment Application and the Personal History Statement are the basis for and the starting point of the background investigation of a police officer seeking lateral entry into the San Francisco Police Department. In filling out his Lateral Entry Employment Application and Personal History Statement, the accused omitted facts, left sections blank, falsely completed sections of the form regarding his civil litigation history with the Oakland Police Department.

Specifically:

In response to Item 37 of his Personal History Statement which asks the question:

“37. Are you now or have you ever been involved as a plaintiff or defendant in any civil court action? ☐ Yes  
☐ No

If “yes” please give details (include when, where, name and location of court, circumstances).”

The accused checked the “Yes” box and listed a single civil lawsuit describing it in the following language:

“I was named as a defendant in the Civil Matter Stancill vs. Andaya, Chief Hart, City of Oakland. Filed in US Federal Court, San Francisco. The case was heard in February 93. A Jury found unanimously in the defendants’ favor (8-0) on all charges.”

The true facts are that the department has recently discovered that the accused was the subject of at least the following ~~four~~ two additional serious lawsuits concerning his employment with the Oakland Police Department, before he applied for employment by the San Francisco Police Department:

1. On 10/16/86, Albert Moore filed a Civil Lawsuit against the City of Oakland, George Hart and Marc Andaya in the U.S. District Court for violation of Plaintiff’s Civil Rights. According to documents obtained from the U.S. District Court, the Defendants were served with the complaint on 12/27/85.

~~2. On 12/21/90, Dwayne Clay filed a Civil Lawsuit in Alameda Municipal Court against the City of Oakland for the accused’s conduct. According to court records, Andaya and another officer were looking for a suspect. Clay was at the scene and interfered with the officers. Clay alleges that he was backed up against a wall, kicked in the groin and knocked unconscious with a flashlight. Clay was arrested. Clay ended up in a hospital with a broken bone, injured leg, broken tooth and a pulmonary embolism.~~

3. On 02/18/92, Joseph Martinez filed a Civil Lawsuit in Alameda Superior Court against the City of Oakland, marc Andaya and Michael Reilly. According to court documents, Andaya was served with a complaint on 05/14/92. The case was later transferred to the U.S. District Court.

~~4. On 06/08/92, Clifford Curry filed a Civil Lawsuit in Alameda County Superior Court against the City of Oakland. According to court records, Oakland police officers including the accused, knocked Curry to the ground, handcuffed him, beat him, and kicked him in the arms, head and back.~~

- (8) During 1993 and 1994, the department renumbered, recast and simplified the General Orders. On July 20, 1994, the Police Commission adopted a portion of the General Orders, including Department General Order 2.01, and postponed adopting others to

later dates. On September 27, 1994, the Chief of Police issued Department Bulletin 94-218, which made the new orders take effect on December 4, 1994, after distribution to all members and training regarding the new numbering and the changes implemented by the rewriting of the orders. On November 4, 1994, the Chief of Police issued Department Bulletin 94-259, regarding the highlights or changes in the general orders and clearly indicating that the purpose of the rewriting of the orders was to make them easier to read and to comprehend.

- (9) The accused was not truthful in, omitted material facts from, and falsely completed, his Personal History Statement regarding the actual civil lawsuits arising from his actions as a member of the Oakland Police Department. The accused's dishonest conduct in this respect helped facilitate his appointment as a police officer in the San Francisco Police Department. Such conduct any reasonable police officer would recognize as conduct that, when discovered, would subvert the good order, efficiency and discipline of the department and would bring discredit on the department, which violates Rule A-9 of General Order D-1, which states:

*"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or the is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."*

The accused also violated Rule A-9 of General Order D-1 as rewritten in Rule 9 of Department General Order 2.01 which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

SPECIFICATION NO. 2:

- (10) The allegations contained in paragraphs 1 through 8 of Specification Number 1 above are realleged and incorporated herein by reference:
- (11) The Lateral Entry Employment Application and the Personal History Statement are the basis for and the starting point of the background investigation of a police officer seeking lateral entry into the San Francisco Police Department. In filling out his Personal History Statement the accused omitted facts and left sections blank, thus falsifying the section of the form regarding the his extended absences history with the Oakland Police Department.

Specifically:

In response to Item 18 of the Personal History Statement which states:

"18. Have you had any extended work absences for reasons other than earned vacations? ☐ Yes ☐ No"

The accused checked the "No" box indicating that he had not had extended absences while employed at the Oakland Police Department.

The accused failed to list the 30-day Suspension for assaulting a prisoner 11/27/85, but did admit its existence to the background investigator in connection with review of his Lateral Entry Employment Application. The true facts are that the accused was also the subject of extended absences while an Oakland Police Officer. Records for the period of 4/18/83 through 2/5/88 show the following absences:

1. 05/21/84: On-Duty injury absent 28 days.
2. 09/27/85: On-Duty injury right ankle, absent 5 days.
3. 02/14/86: Off-Duty injury left ankle, absent 57 days.
4. 04/19/86: Off-Duty injury left ankle, absent 58 days placed on half pay status.

- (12) As alleged above, the accused was not truthful, omitted facts, and falsely completed his Personal History Statement when he applied for employment with the San Francisco Police Department regarding extended absences from duty with the Oakland Police Department. The accused's conduct facilitated his appointment as a police officer in the San Francisco Police Department, all of which conduct any reasonable police officer would recognize as conduct which, when discovered, subverts the good order, efficiency and discipline of the department and brings discredit on the department in violation of Rule A-9 of General Order D-1, which states:

*"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or the is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."*

The accused also violated Rule A-9 of General Order D-1 as rewritten in Rule 9 of Department General Order 2.01 which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

### SPECIFICATION NO. 3:

- (13) The allegations contained in paragraphs 1 through 8 of Specification Number 1 above are realleged and incorporated herein by reference.
- (14) The Lateral Entry Employment Application is the starting point of the background investigation of a police officer seeking lateral

entry into the San Francisco Police Department. In filling out his Lateral Entry Employment Application, the accused omitted facts, left sections blank, and falsely completed sections of the form regarding the contents of his Internal Affairs History with the Oakland Police Department.

Specifically:

In response to Item entitled "INTERNAL AFFAIRS HISTORY", the space for answers has two columns, "Month/Year" and "Explanation of Action", the accused listed three complaints:

**"Dec 93 Accused by arrestee of false arrest. Currently under investigation.**

**May 92 Legal Claim. Property damage (door). Unfounded by IA**

**Aug 91 Conduct towards others. Unfounded by IA"**

A. Later, the accused was interviewed by the background investigation unit investigator assigned to look into the accused's background. In reviewing the Lateral Entry Employment Application the accused informed the investigator that the Internal Affairs History section was incomplete, and stated that the accused had served a 30 day suspension for his use of excessive force. Although the accused revealed the three incidents above on the form and the 30 day suspension orally during the interview, there was much he did not reveal. The true facts are that the accused was the subject of internal affairs complaints **which did not result in discipline** starting early in his employment by the Oakland Police Department, including the following complaints listed by date, Oakland Police Department number and general description:

1. 12/09/83, #83-464: *Improper Use of Force, Unfounded.*
2. 02/22/84, #84-111: *Improper Care of Property, Unfounded.*
3. 04/08/84, #84-172: *Violation not known, Not Sustained.*
4. 04/28/84, #84-252: *Racial Slur, Unfounded.*
5. 05/06/84, #84-269: *Racial Slur, Exonerated.*
6. 05/15/84, #84-266: *Improper Detention and Search, Exonerated.*
7. 08/01/84, #84-480: *Missing Property, Unfounded.*
8. 09/19/84, #84-597: *Unnecessary Force, Unfounded.*
9. 10/25/84, #84-704: *Failed to Act, case filed.*
10. 02/01/85, #85-067: *Unnecessary Force, no disposition was given.*
11. 10/11/85, #85-407: *Excessive Force, filed.*
12. 08/01/86, #86-397: *OPD; Reporting, no other information.*

B. The true facts are also that the accused was the subject of **complaints to the City of Oakland Citizen Complaint Board** of excessive force and associated misconduct, (listed chronologically), (Altered to conform to Exhibit 46 in Evidence):

File # Disposition	Complainant	Incident Date	Type	
1. #317-84	Ronald Overton	04/07/84	Excessive Force	Dismissed Exhibit 24
2. #319-84	Wilbert Beals	04/16/84	Excessive Force	Dismissed Exhibit 25
3. #38-85	Rocky Jones	05/23/85	Excessive Force	Dismissed Exhibit 26
4. #540-84	Otis Duckett	08/24/84	Excessive Force	Dismissed Exhibit 27
5. #25-88 Robert Harvey		09/16/87	Excessive Force	Dismissed Exhibit 28 (Officer Andaya resigned)
6. #43-89 Manuel Primas		09/26/89	Excessive Force	Dismissed Exhibit 29
7. #26-90 Donald Daniels		05/26/90	Excessive Force	Dismissed Exhibit 30
8. #28-91 Raymond Lewis		05/11/91	Excessive Force	Dismissed Exhibit 31
9. #39-91 Clifford Curry		06/14/91	Excessive Force	Dismissed Exhibit 32
10. #43-91 Ernestine Cayce		07/06/91	Excessive Force	Dismissed Exhibit 33

- ~~1. Citizen Complaint Board (CCB) #317-84; On 04/07/84, Complainant was on a pay phone. It is alleged that Andaya approached Complainant, grabbed him by the throat, choked him, threw him against a car, twisted his arm, threatened to kill him and cuffed him tightly.~~
- ~~2. CCB #319-84; On 04/16/84, Complainant was drinking in public. Andaya arrested him. It is alleged that Andaya threw Complainant over a police car, pushed him into the police car and threw a tennis shoe in his face.~~
- ~~3. CCB #38-85; On 05/23/85, Andaya arrested Complainant for DUI. It is alleged that Andaya pulled Complainant out of a police vehicle; stomped with his feet, kicked him causing him to fall backwards and hit his head, twisted his wrist and choked him.~~
- ~~4. CCB #540-84; On 08/24/84, Complainant was urinating in the street. Andaya made contact with him. It is alleged that Andaya pushed Complainant against the wall and used profanity.~~
- ~~5. CCB #25-88; On 09/16/87, Complainant was arrested for being intoxicated and creating a disturbance. Complainant claimed it was a false arrest. Oakland P.D. Internal Affairs investigated this complaint. Internal Affairs unfounded the complaint. The complainant appealed to the CCB.~~
- ~~6. CCB #43-89; On 09/26/89, Andaya made a well-being check on a couple of children. It is alleged that Andaya pushed open a door, threw complainant against a wall, pushed his head into a wall, threw him to the floor and placed a flashlight under his neck. Andaya used profanity during this incident.~~
- ~~7. CCB #26-90; On 05/26/90, complainant was arrested by Andaya. It is alleged that Andaya pulled the complainant downstairs, struck him in the face and kneed him in the groin.~~
- ~~8. CCB #28-91; On 05/11/91, Andaya arrested complainant for intoxication. The complainant resisted arrest. It is alleged that Andaya hit Complainant two to three times with his fist, punched his stomach twice and kicked the complainant in the groin. it is also alleged that Andaya made racial slurs. The Internal Affairs Unit unfounded the complaint on 08/13/92. Lewis then filed a complaint with the CCB.~~
- ~~9. CCB #39-91; On 06/14/91, the complainant was urinating in public in front of his home. Andaya and another officer made contact with the complainant. It is alleged that Andaya and another officer jumped on the complainant back, kicked him in his legs and back then beat him. The complainant was arrested.~~
- ~~10. CCB #43-91; On 07/06/91, the complainant was arrested by Andaya. It is alleged that Andaya attempted to hit the complainant's son with a flashlight; kneed him in the back, slammed him into a door, twisted his arms and handcuffed him to a fence. The complainant's mother got involved and it is alleged that Andaya shoved the complainant's mother into a wall; choked her, put his hands on her breasts and pulled her clothes in a way that exposed her breasts.~~

- (15) As alleged above, the accused was not truthful, omitted facts, and falsely completed his Lateral Entry Employment Application when he applied for employment with the San Francisco Police

Department regarding his Internal Affairs history with the Oakland Police Department. The accused's conduct facilitated his appointment as a police officer in the San Francisco Police Department, all of which conduct any reasonable police officer would recognize as conduct which, when discovered, subverts the good order, efficiency and discipline of the department and brings discredit on the department in violation of Rule A-9 of General Order D-1, which states:

*"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or the is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."*

The accused also violated Rule A-9 of General Order D-1 as rewritten in Rule 9 of Department General Order 2.01 which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

SPECIFICATION NO. 4:

- (16) The allegations contained in paragraphs 1 through 6 of the within charges above are realleged and incorporated herein by reference:
- (17) The accused, in the written application process for lateral entry employment as a San Francisco Police Officer, violated the letter and the spirit of the Civil Service examination process by making untruthful statements and omitting facts from documents constituting part of the application for employment and on discovery of such false statements and omissions is subject to removal from office.
- (18) The accused was untruthful, omitted facts, and falsely completed: his written Lateral Entry Employment Application on February 22, 1994; his written Personal History Statement on April 4, 1994; and his written certification that he had not engaged in conduct which would bring discredit on either his former department or the San Francisco Police Department on May 22, 1994; and therefore has violated Rule 8, Section 8.06 of the San Francisco Civil Service Commission Rules, which states:

*"FALSE STATEMENT BY APPLICANTS - Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the qualifications appraisal interview shall be good cause for exclusion by the commission of such person from any examination, the removal of the applicant's name from the eligible list and may be good cause for removal or discharge from the City and County service." [Renumbered "Sec. 10.20" on 1/8/96]*

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Appendix A, Section A8.343 of the Charter of the

City and County of San Francisco on Thursday, June 26, 1997 and Friday, June 27, 1997. On Friday, June 27, 1997, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on the evidence each of the four specifications preferred by Chief Fred H. Lau against Officer Marc Andaya are sustained as modified to conform to the evidence; and the Commission adopts the sustained specifications as its findings in the matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

Specification No. 1 - Sustain - Termination

Specification No. 2 - Sustain - Termination

Specification No. 3 - Sustain - Termination

Specification No. 4 - Sustain - Termination

Said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Herrera, Chan, Petrillo, Perry  
RECUSED: Commissioner Norman

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by the California Code of Civil Procedure, Section 1094.6.

Recess taken during the hearing of Officer Andaya:

1:05 p.m. to 1:35 p.m.

1:40 p.m. to 2:45 p.m.

3:15 p.m. to 4:20 p.m.

(The entire proceedings were in shorthand form by Ms. Mary Ann Zimmerer, CSR.)

Thereafter, the hearing was adjourned.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

JUN. -2/ 9/ (FRI) 08:21 POLICE COMMISSION

TEL: 415 553 1669

P. 002



## The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

### CALENDAR OF PROCEEDINGS POLICE COMMISSION MEETING

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERKY  
Commissioner

LT MANUEL DARETTA  
Secretary

There will be no Police Commission Regular Meeting on *Wednesday, July 2, 1997*. The next Police Commission Regular Meeting will be on *Wednesday, July 9, 1997*, at 5:30 p.m., in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco

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JULY 2, 1997

SPECIAL MEETING

PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE  
CHARGES FILED AGAINST OFFICER TIMOTHY P. FITZGERALD,  
BAYVIEW STATION (FILE NO. C97-014 JWA)

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Timothy P. Fitzgerald, Bayview, was called at 9:50 a.m., it having been set for this date.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Timothy P. Fitzgerald appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

Mr. Collins submitted a motion to dismiss Specification No. 2 and to suppress statement by Officer Fitzgerald.

Opening statements were made by Mr. Akins and Mr. Collins.

The following witnesses appeared for the Department, were sworn and testified:

Dawn Stokes  
Kim Marie Dougherty  
Officer John Ferrando  
Officer Shaughn Ryan  
Sergeant Daniel Gardner

The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 1 Copy Memo - Kim Dougherty to Rex A. Martin, date 2/6/97

Exhibit No. 2 Copy General Order 5.02, "Use of Firearms"

Exhibit No. 3 Copy of Transcript of MCD Interview of Officer Timothy Fitzgerald

Exhibit No. 4 Photostatic Picture of .45 Caliber Gun

Exhibit No. 5 Copy of Officer Fitzgerald's Statement (2 pages)

The following witnesses were called by the Defense, were sworn and testified:

Officer Lea Militello  
Captain George Stasko  
Sergeant Carl Tennenbaum  
Officer Timothy Fitzgerald

The following exhibits were identified and entered into evidence by the Defense:

Exhibit A Diagram - "Kim-Dawn-Tim" (Stokes)

Exhibit B Diagram - "Kim-Dawn-Tim" (Dougherty)

Exhibit C Copy of MCD Report re: Officer Timothy Fitzgerald, dated 2/4/97

Exhibit D Copy of Polygraph Report to James Collins from

Francis M. Connolly, dated 2/26/97 (Test of Timothy P. Fitzgerald)

The meeting was then adjourned at 5:35 p.m.

Recess taken during the hearing of Officer Fitzgerald:

11:15 a.m. - 11:25 a.m.

11:50 a.m. - 1:35 p.m.

2:25 p.m. - 2:35 p.m.

3:40 p.m. - 3:55 p.m.

4:35 p.m. - 4:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the hearing was adjourned.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, JULY 9, 1997  
5:15 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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7/3/97

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

- a. Larry Banner v. CCSF, Unlitigated Claim #97-00393

PUBLIC COMMENT IS WELCOME





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, JULY 9, 1997  
5:30 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

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PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

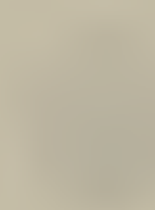
1. Recommendation of the City Attorney for Settlement of the following claims:
  - a. Larry Banner v. CCSE, Unlitigated Claim #97-00393

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



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**JULY 9, 1997****EXECUTIVE SESSION**

The Police Commission of the San Francisco Police Department met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

a. Larry Banner v. CCSF, Unlitigated Claim #97-00393

PRESENT: Commissioners Norman, Petrillo, Perry

ABSENT: Commissioner Herrera, Chan

**JULY 9, 1997****EXECUTIVE SESSION**

The Police Commission of the San Francisco Police Department met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

Motion by Commissioner Petrillo, second by Commissioner Perry not to disclose Closed Session discussion. Approved 5-0.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 88-97**

**LARRY BANNER v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of claim of "Larry Banner v. CCSF" in Unlitigated Claim #97-00393 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 8, 1996

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

Commission announced that there will be a district meeting on the 23rd.

Commissioner Herrera thanked the Chief for officers' assistance during the Andaya hearing. He further discussed the budget and asked for follow-up report from Captain Fagan.

Commissioner Petrillo discussed Aids Bike Ride and requested Certificates of Appreciation for Lieutenant Don Carlson, Sergeant Mike Hughes and Officer Annette Carrier.

Commissioner Norman stated that Commissioner Petrillo will be the Taxi cab Liaison; Commissioner Chan will be the OCC Liaison; Commissioner Perry will deal with juvenile matters; Commissioner Herrera will be in charge of Intelligence Audit and Commissioner Norman will be working with Deputy Chief Holder and Commander Santos and will be liaison with the Chief regarding policies, etc.

Commissioner Herrera talked about visits to the district stations and thanked the officers.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau thanked the Commission for setting the decorum during the Andaya proceedings.

The Chief stated that on July 24th, at 10 or 11 a.m., will be the swearing-in ceremony for Commanders Portoni and Pisciotto, Deputy Chief Pengel, four lieutenants and five sergeants. It will take place in the Green Room at 401 Van Ness. He also discussed Airport merger that took place on July 1, 1997.

The Chief stated that there were no problems during the July 4th celebrations.

Commissioner Norman discussed Airport merger.

Assistant Chief Sanders discussed his one week visit to Amsterdam.

Commissioner Norman discussed accidents involving officers and talked about EVOC course and asked for a ride along in during one of EVOC course.

Commissioner Herrera discussed crimes on Muni and asked that a report on Muni crime and programs that are still on-going be made to the Commission.

### OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, commended the Commission and the Department for decorum during the Andaya hearing.

Director Dunlap discussed \$293,000 increase in the budget for additional staff attorney and promotions. She stated the Airport contributed \$120,000 for related activities. She stated they're in the process of hiring six new investigators and are interviewing candidates for Chief Investigator.

Director Dunlap discussed matter of citations issued to OCC vehicles.

Commissioner Norman discussed Discipline Reform scheduled next week.

### PUBLIC COMMENTS

Unidentified discussed assault by Asian juveniles and actions of juveniles.

Thereafter, the meeting was adjourned at 6:35 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, JULY 16, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Discussion re: Roundtable on Police Discipline Reform
8. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
9. Hearing and Disposition on Disciplinary Charges filed against Officer Harold Johnson, Support Services (File Nos. JWA C56-037 & JWA C56-199)

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Government Code Section 54957

Possible Closed Session/Public Employee Discipline

Re: Disciplinary Charges filed Against Officer Harold Johnson





# The Police Commission

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## CITY AND COUNTY OF SAN FRANCISCO

### SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**  
**WEDNESDAY, JULY 16, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

### CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept a Donation of \$711.00 from the Southland Corporation for use of the SFPD Wilderness Program

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

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LT. MANUEL BARRETTA  
Secretary

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM 551, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669



**JULY 16, 1997**

**REGULAR MEETING**

The Police Commission of the San Francisco Police Department met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**APPROVAL OF CONSENT CALENDER**

**RESOLUTION NO. 89-97**

**APPROVAL TO ACCEPT A DONATION OF \$711.00 FROM THE SOUTHLAND CORPORATION FOR USE OF THE SFPD WILDERNESS PROGRAM**

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of \$711.00 from the Southland Corporation for use of the SFPD Wilderness Program.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

Commissioner Herrera stated that there will be no budget discussion in the District.

Commissioner Norman discussed award for officers injured in the line of the duty, to be discussed at next awards meeting. Commissioner Norman also discussed her visit to Park Station with Deputy Chief Holder and Captain Newlin.

Commissioner Chan discussed helicopter and boat ride from Building 606.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

No report.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, introduced Chief Investigator Robert Janisse, effected September 8th, who addressed the Commission.

**DISCUSSION RE: ROUND TABLE ON POLICE DISCIPLINE REFORM**

Jill Tregor, Intergroup Clearinghouse, and Michael Hebel, POA, discussed meetings and recommendations.

Ms. Tregor discussed quarterly reports by OCC & MCD to the Commission.

Commissioner Chan discussed time frame for Commission hearing after filed with the Commission.

Commissioners Herrera and Petrillo commended Mr. Hebel and Ms. Tregor.

John Crew, ACLU, discussed concerns.

Jennifer Kibouski, CUAV, discussed concerns.

Mary Vail, Bar Association, discussed concerns.

Joyce Miller, Violence Prevention Project, thanked Commissioners Herrera and Chan for their participation.

Officer Ray Shine, POA, stated he will recommend to the Board of Directors to sign off on recommendations.

Commissioner Norman commended all participants in discussions. The Commission will review information from meetings and will work

with OCC, MCD, and the department to make system.

### PUBLIC COMMENTS

Daniel Perez discussed concerns regarding actions of the Mayor.  
Lavoria Peacemore discussed concerns regarding actions of police.

### HEARING OF OFFICER HAROLD P. JOHNSON, SUPPORT SERVICES(FILE NOS. C56-037 & C56-208 JWA)

The hearing of Police Officer Harold P. Johnson, Support Services, was called, it having been set for this date. Officer Johnson was charged with violating the Rules and Procedures as follows:

#### SPECIFICATION NO. 1

Engaging in conduct which brings discredit on the department and which subverts the good order efficiency and discipline of the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

#### SPECIFICATION NO. 2

Engaging in conduct which brings discredit on the department and which subverts the good order efficiency and discipline of the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

#### SPECIFICATION NO. 3

Failure to answer truthfully and without evasion when questioned by a Management Control Division investigator (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Harold P. Johnson appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by Mr. Akins, for the Department, and Mr. Prentice, for the defense.

The Commission took the matter under submission, recessed for deliberation and returned with the following dispositions:

#### SPECIFICATION NO. 1

Sustain

AYES: Commissioners Norman, Petrillo, Perry  
NAYS: Commissioners Herrera, Chan

#### SPECIFICATION NO. 2

Not sustain

AYES: Commissioners Herrera, Chan, Petrillo, Perry

NAY: Commissioner Norman

SPECIFICATION NO. 3

Sustain

AYES: Commissioners Norman, Herrera, Chan, Petrillo,  
Perry

The Commission requested a recommendation from the Chief of Police. It was the recommendation of Chief Fred H. Lau that Officer Harold J. Johnson be terminated.

The Commission took the matter under submission, recessed and returned and the following resolution was adopted:

RESOLUTION NO. 90-97

DECISION - HEARING OF OFFICER HAROLD P. JOHNSON,  
SUPPORT SERVICES (FILE NOS. C56-037 & C56-208 JWA)

WHEREAS, on May 9, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges on Officer Harold P. Johnson, as follows:

SPECIFICATION NO. 1

- (1) At all times herein mentioned Harold P. Johnson, Star Number 581, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to Taraval Station in the Field Operations Bureau, now assigned to the Support Services Division;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On August 6, 1995, the accused, while on duty at Taraval Station, received a telephone call from his wife; she told him that a man had called her saying that the accused was having an affair with the man's wife; the accused, while still on duty, then called the man's house and left a threatening message on his answering machine, saying that he would "take care" of the man; the man complained that he feared the accused as he knew the accused carried a gun;
- (4) The accused, by leaving a threatening message on the telephone recorder of a citizen, engaged in conduct which violates Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer, either within or without the State, that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

- (5) The allegations contained in paragraphs 1 and 2 of Specification

Number 1 above are realleged and incorporated herein by reference;

- (6) On September 2, 1995, at 2105 hours, the accused was off duty and he became involved in a dispute with his wife inside the family home in San Francisco; as the dispute escalated, the accused grabbed his wife's upper arms from behind and the accused then pushed him wife to the floor forcefully causing injury to her back and left elbow;
- (7) The dispute started earlier in the day of September 2, 1995, when the accused left the house for a brief period; while he was gone, the accused's wife verified her suspicions that the accused was using a pay telephone near Ralph K. Davies Hospital while he was away from the house; the accused's wife believed that the accused was calling a girlfriend; the accused's wife became very angry; when the accused returned to their home, they started arguing; the accused grabbed his wife from behind and threw her to the side, against a wall causing her to fall to the floor and causing minor physical injuries to her back and her left elbow;
- (8) The accused's wife then went to the bedroom to call the police; the accused ripped the telephone wire from the bedroom wall, severing the wire, to prevent her from calling the police; the accused then forcibly restrained his wife on the bed until the accused's sister told him to let her up; the accused then went to the dining room and ripped the telephone wires from the wall; the accused's wife was able to call the police using her cellular telephone which she had in her purse; the accused left before the police arrived;
- (9) California Penal Code §273.5 makes it a felony to use physical force to "inflict corporal injury resulting in a traumatic condition" on one's spouse; a "traumatic condition" is defined as "a condition of the body, such as a wound, or external or internal injury, whether of a minor or serious nature, caused by a physical force;"
- (10) California Penal Code §136.1 makes it a misdemeanor to try to dissuade a victim of a crime from testifying or reporting the crime to the police;
- (11) The accused by grabbing his wife and throwing her to the floor and then forcibly taking the telephone from his wife to prevent her from reporting his abusive acts to the police, engaged in conduct which would violate California Penal Code §136.1 and 273.5, in violation of Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer, either within or without the State, that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

### SPECIFICATION NO. 3

- (12) The allegations contained in paragraphs 1 and 2 of Specification No. 1 and the allegations contained in paragraphs 6 through 10 of Specification Number 2 above are realleged and incorporated herein by reference;

- (13) On September 8, 1995, November 9, 1995 and on November 16, 1995, the accused was interviewed by a Management Control investigator regarding the complaints of the suspect mentioned in Specification No. 2; in the course of the interview, the accused was untruthful and evasive concerning the facts of his activities before and during the violent incident described in Specifications No. 2;
- (14) Specifically, the accused denied that he injured his wife by grabbing her from behind and throwing her to the wall causing her to fall to the floor; the accused stated that he was not making a telephone call when his wife saw him near the Ralph K. Davies Hospital, but repeatedly stated that he was visiting a friend who worked at the hospital as a security guard; the accused repeated this through three interviews and finally admitted that there was no security guard by the name he gave the investigator and that others he had identified as persons to contact to reach and leave messages for the phantom security guard did not exist or he did not know them; in the first two interviews and in contacts in between the interviews, the accused provided false leads to the Management Control investigator, which of course were all dead ends as he had made up the existence of these persons in his efforts to substantiate the phantom security guard;
- (15) The accused, by not answering truthfully, by providing false names of leads to substantiate the phantom security guard and by giving evasive answers to questions posed by a Management Control Division investigator, violated Rule 21 of Department General Order 2.01, which states:

COOPERATION WITH INVESTIGATORS. "Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on October 1, 4, and 7, 1996, and on Wednesday, July 16, 1997, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 1 and 3 as preferred by the Chief of Police against Officer Harold P. Johnson are sustained; and the Commission adopts the sustained specifications as its findings in the matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

Specification No. 1 - Sustain - Termination  
 Specification No. 2 - Not Sustain  
 Specification No. 3 - Sustain - Termination

Said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Norman, Herrera, Chan, Petrillo,  
Perry

If this decision is subject to review under Code of Civil Procedure  
Section 1094.5, then the time within which judicial review must be sought  
is governed by the California Code of Civil Procedure, Section 1094.6

Recess taken during the hearing of Officer Johnson:

8:05 p.m. - 8:55 p.m.

9:00 p.m. - 9:15 p.m.

9:20 p.m. - 9:40 p.m.

(The entire proceedings were taken in shorthand form by Mr. Dave  
Davenport, CSR.)

Thereafter, the meeting was adjourned.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, JULY 23, 1997  
6:00 p.m.**

***NORTHERN DISTRICT  
St. Mary's Cathedral  
Meeting Rooms A & B (downstairs)  
Corner of Geary Boulevard & Gough Street  
San Francisco***

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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JUL 22 1997

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1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Steven D. Stearns, Park Station (File No. C97-126 JWA)
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Captain Walter Cullop, Commanding Officer of Northern Station, to address the Commission on Police Activities in the Northern District
8. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**Captain Walter Cullop  
and all the officers at  
Northern Station**

Invite you to the Northern District meeting of the Police  
Commission

July 23, 1997 at 6:00 PM



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JUL 22 1997

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It will be held at St. Mary's Cathedral, Meeting  
rooms A & B (downstairs). St. Mary's Cathedral is  
at the corner of Geary Blvd. and Gough St.

THE  
JOURNAL OF THE  
ROYAL ANTHROPOLOGICAL INSTITUTE

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**JULY 23, 1997****REGULAR MEETING**

The Police Commission of the San Francisco Police Department met in the Northern District at St. Mary's Cathedral, Geary Boulevard and Gough Street, in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry

ABSENT: Commissioners Norman, Petrillo

**RESOLUTION NO. 91-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES  
FILED AGAINST OFFICER STEVEN D. STEARNS, PARK  
STATION (FILE NO. C97-126 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Steven D. Stearns, Park Station, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Stearns; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Steven D. Stearns, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Perry

ABSENT: Commissioners Norman, Petrillo

**POLICE COMMISSION REPORT**

Commissioner Herrera welcomed the audience.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

None. Deferred to Captain Cullop.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, described duties and responsibilities of the OCC.

**CAPTAIN WALTER CULLOP, COMMANDING OFFICER OF  
NORTHERN STATION, TO ADDRESS THE COMMISSION ON  
POLICE ACTIVITIES IN THE NORTHERN DISTRICT**

Captain Cullop welcomed the Commission, the audience and the command staff, and described boundaries, statistics and staffing at Northern.

Commissioner Herrera asked Captain Cullop regarding Geary Corridor and alcohol related crimes.

**PUBLIC COMMENTS**

Patricia Tulloch discussed police discipline.

Unidentified commended Captain Cullop and officers for efforts in the district.

Phillip Fry thanked Captain Cullop and discussed McCauley Park opening.

Marv Warren, President of Polk District Merchants Assoc.,

thanked Captain Cullop and discussed prostitution concerns and staffing.

Arthur Wade discussed actions of police.

Robert Garcia, Save Our Streets, thanked the officers and discussed cabaret licenses.

Joyce discussed problems at Webster & Grove area and traffic problems.

Joann Minski discussed problems the weekend of the Black & White Ball and asked for more staffing.

Jack Tread, resident O'Farrell & Larkin, discussed problems in the area.

Beverly Galaread, resident 700 Block Webster, discussed juvenile problems and trash in the area.

George Williams, Senior Action Network, asked for more officers.

Marianne Brown commended Captain Cullop.

Patsy Taylor discussed concerns.

Gloria Casaretto thanked Officer Chuck Simpson for capture of bank robber.

Pat Dowden, Polk Street Merchant, thanked Captain Cullop.

Chief Lau discussed meeting regarding Critical Mass bike route.

Assistant Chief Sanders responded regarding article of Amsterdam visit.

Thereafter, the meeting was adjourned.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc



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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO  
**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, JULY 30, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Joanne M. Dippold, Ingleside (File No. C97-139 JWA)
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. Presentation of Unit Citation Award for Members of the CRUSH Unit (Criminal Response Unit to Stop Homicide)
7. OCC Director's Report to the Police Commission
8. Presentation of OCC Statistical Report for the months of April & May, 1997
9. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
10. Hearing and Disposition on the Appeal of the Chief's Suspension of Sergeant Frederick R. Schiff, Mission (File No. D56-223 RLC)

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(Chapter 67 of the San Francisco Administrative Code)

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669



**JULY 30, 1997**

**REGULAR MEETING**

The Police Commission of the San Francisco Police Department met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 92-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JOANNE M. DIPPOLD, INGLESIDE (FILE NO. C97-139 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Joanne M. Dippold, Ingleside, was called it having been set for this date; and

WHEREAS, Commissioner Edward Petrillo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Dippold; therefore be it

RESOLVED, that Commissioner Petrillo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Joanne M. Dippold, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

Commissioner Norman announced the POA approved recommendations regarding Roundtable on Discipline change.

Commissioner Petrillo accepted recommendations of roundtable.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Deputy Chief Richard Holder reported on Critical Mass ride Summit of July 25th. Chief Holder stated that only 100 bikers rode on agreed upon route.

Commissioner Petrillo stated he will not support any group that does not obey rules and agreements with the Department.

Commissioner Chan agreed with Commissioner Petrillo and commended the Department for action during Critical Mass.

Commissioner Herrera encouraged enforcement of laws and commended Deputy Chief Holder and Captain Martel. Commissioner Herrera also asked the Captain and Deputy Chief for any ideas to work with Critical Mass.

Captain Martel stated that the Department just want to communicate with the bicycle community and that there is a follow-up meeting schedule in Supervisor Yaki's office with some past critical mass organizers as well a other members of the bicycle community. Captain Martel stated further that the department is doing whatever it can to facilitate bicycle safety and fully anticipated supporting as well as being involved with bicycle improvement implementation summit.

Commissioner Petrillo made a motion "commending the Department and commending their skills and patience and perseverance in what was a very difficult situation with very volatile tempers and showing the department to be, what I think we all sit here and believe, the finest police department in the United States."

## **PRESENTATION OF UNIT CITATION AWARD FOR MEMBERS OF THE CRUSH UNIT (CRIMINAL RESPONSE UNIT TO STOP HOMICIDE)**

Assistant Chief Sanders talked about the history of CRUSH. This unit came about in 1994 in an effort to stop homicides in the southeast part of San Francisco and other parts of San Francisco. Nine officers were selected from the department. These officers were in charge of investigating the 33 unsolved homicides in the southeast quarter of San Francisco, along with homicides occurring simultaneously with rival gangs. In the 18 months that these officers, they were able to solve a total of 27 homicides. They were also able to make 599 felony arrests with 90% conviction rate. The following officers were presented with Unit Citations: Officers Ignacio Balinton, Michael Bolte, Maurice Edwards, Paul Lozada, Robert McMillan, John Monroe, Michael Philpott, Kevin Whitfield, Michael Wells and Sergeant Kevin Silas.

Minnie Ward, OMI, thanked Chief Lau and the Department for efforts in the OMI area.

Commissioner Norman commended the Department and the community for their efforts.

## **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, stated that five members of the OCC monitored Critical Mass ride on Friday, July 25th and Monday, July 28th. She stated complaints will be investigated.

## **PRESENTATION OF OCC STATISTICAL REPORT FOR THE MONTHS OF APRIL & MAY, 1997**

Director Dunlap presented OCC Statistical Report for the months of April and May, 1997.

## **HEARING AND DISPOSITION ON THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT FREDERICK R. SCHIFF, MISSION (FILE NO. D56-223 RLC)**

Taken out of order. Put over one week to August 6, 1997.

## **PUBLIC COMMENTS**

Unidentified, resident OMI, discussed problems in Ingleside.  
Unidentified discussed police actions during Critical Mass.  
Patricia Tulloch discussed concerns regarding actions of police at Critical Mass.

Daniel Paez discussed actions of police.

Keith McHenry, Food Not Bombs, discussed actions of police.

Matthew Dodds discussed Critical Mass bike ride.

Shirley D. Calhoun commended officers of TNT unit.

Thereafter, the meeting was adjourned at 7:10 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, AUGUST 6, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of April 2nd, 9th, 23rd and 30th, 1997
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Michael T. Redmond, Northern (File No. C97-064 JWA)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Gerald C. D'Arcy, Tenderloin Task Force (File No. C97-060 JWA)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector Vincent Repetto, Investigations (File No. C97-157 JWA)
7. Assignment of Commission and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector Richard D. Adkins, Investigations (File No. C97-158 JWA)
8. Police Commission Report
  - a. Motion of Calendaring of New Items
  - b. Status Report re: Officer Harold Johnson (File No. C96-166[319]JWA)
9. Chief's Report to the Police Commission
10. OCC Director's Report to the Police Commission





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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, AUGUST 6, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

---

LT. MANUEL BARRETTA  
Secretary

11. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
12. Hearing and Disposition on the Appeal of the Chief's Suspension of Sergeant Frederick R. Schiff, Mission (File No. D56-223 RLC)

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
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**AUGUST 6, 1997****REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry  
 \* Commissioner Perry arrived later.

**APPROVAL OF MINUTES OF MEETINGS OF APRIL 2ND, 9TH,  
 23RD AND 30TH, 1997**

---

Approval of minutes of meetings of April 2nd, 9th, 23rd & 30th, 1997, the Commissioners having received, approved and returned copies of same. Minutes approved 4-0.

**RESOLUTION NO. 93-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
 FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES  
 FILED AGAINST OFFICER MICHAEL T. REDMOND,  
 NORTHERN(FILE NO. C97-064 JWA)**

---

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Michael T. Redmond, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Redmond; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael T. Redmond, and is to be set for hearing and disposition on Wednesday, August 13, 1997.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 94-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
 FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES  
 FILED AGAINST SERGEANT GERALD C. D'ARCY,  
 TENDERLOIN TASK FORCE (FILE NO. C97-060 JWA)**

---

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Gerald C. D'Arcy, Tenderloin Task Force, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant D'Arcy; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Gerald C. D'Arcy, and is to be set for hearing and disposition on Wednesday, August 13, 1997.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

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**RESOLUTION NO. 95-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES  
FILED AGAINST INSPECTOR VINCENT REPETTO,  
INVESTIGATIONS(FILE NO. C97-157 JWA)**

---

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Vincent Repetto, Investigations, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Repetto; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Vincent Repetto, and is to be set for hearing and disposition on Wednesday, August 13, 1997.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 93-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES  
FILED AGAINST INSPECTOR RICHARD D. ADKINS,  
INVESTIGATIONS (FILE NO. C97-158 JWA)**

---

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Richard D. Adkins, Investigations, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Adkins; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Richard D. Adkins, and is to be set for hearing and disposition on Wednesday, August 13, 1997.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

- a. Motion of Calendaring of New Items
- b. Status Report re: Officer Harold Johnson (File No. C96-166[319]JWA)

Commissioner Petrillo discussed letters written regarding taxis and memos sent to Deputy Chief Pengel and Captain Ehrlich.

**RESOLUTION NO. 97-97**

**HEARING OF OFFICER HAROLD JOHNSON, SUPPORT  
SERVICES (FILE NO. C96-166[319]JWA)**

---

WHEREAS, on December 27, 1996, Fred H. Lau, Chief of Police, made and served charges against Police Officer Harold Johnson, Support Services, as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which brings discredit on the department and which subverts the good order efficiency and discipline of the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a Management Control Division investigator (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which brings discredit on the department and which subverts the good order efficiency and discipline of the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which brings discredit on the department and which subverts the good order efficiency and discipline of the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 5

Making significant false statements on his application and during the qualification process for employment by the City and County of San Francisco (violation of Rule 8.06 of the Civil Service Commission Rules);

and

WHEREAS, Officer Harold Johnson was terminated from the San Francisco Police Department effective Wednesday, July 16, 1997; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Harold Johnson, be, and the same are hereby continued off calendar.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau addressed the Commission regarding Officer involved shooting on Sunday, August 3, 1997.

Commissioner Petrillo discussed the lack of public information of good work by officers and the lack of interest by the new media.

Commissioner Chan discussed Public Affairs distribute positive articles.

Commissioner Norman discussed article in the L.A. Times of July 21st.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Mary Dunlap discussed article in the L.A. Times of July 21st. She also stated there are 120 applicants for Investigator vacancies. She further stated that there were over 100 cases closed in the month of July.

PUBLIC COMMENTS

Andy Solow discussed full staffing.

**HEARING ON APPEAL OF CHIEF'S SUSPENSION IMPOSED ON  
SERGEANT FREDERICK R. SCHIFF, MISSION  
(FILE NO. D56-223 RLC)**

---

The hearing of the appeal of the Chief's suspension imposed on Sergeant Frederick R. Schiff, Mission Station, was called it having been set for this date;

Sergeant Dan Curiel, Attorney at Law, appeared on behalf of the San Francisco Police Department;

Sergeant Frederick R. Schiff appeared in person and was represented by Sergeant Steve Johnson.

Closing statements were made by Sergeant Curiel and Sergeant Johnson.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

**RESOLUTION NO. 98-97**

**DECISION - HEARING ON THE APPEAL OF CHIEF'S  
SUSPENSION IMPOSED ON SERGEANT FREDERICK R. SCHIFF,  
MISSION (FILE NO. D56-223 RLC)**

---

WHEREAS, a hearing on said appeal was held before Commissioner Sidney Chan pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, April 15, 1997, and on Wednesday, August 6, 1997, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the Chief's suspension imposed on Sergeant Frederick Schiff, Mission Station, was not sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that it is the findings and decision of the Police Commission that the Chief's suspension of two (2) days held in abeyance for one (1) year imposed on Sergeant Frederick Schiff, be, and the same, is hereby not sustained.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, AUGUST 13, 1997**  
**5:00 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

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Vice President

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Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

- a. Officers For Justice v. Civil Service Commission et. al., USDC C73-0657

PUBLIC COMMENT IS WELCOME





**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, AUGUST 13, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
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EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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AUG 10 1997

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of May 7th, 14th, 28th & June 4, 1997
4. Approval of Consent Calendar
5. Assignment of Commission and Setting of Date for Taking of Evidence on Additional Charges Filed against Officer Robert A. Tayac, Support Services (File No. C97-115 DTC)
6. Police Commission Report
  - a. Motion of Calendaring of New Items
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Roundtable Recommendations on Police Discipline Reform
10. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
11. Hearing and Disposition on Disciplinary Charges filed against Sergeant Michael Dempsey, Richmond (File No. C56-183 DTC)





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, AUGUST 13, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

12. Hearing and Disposition on Disciplinary Charges filed against Inspector Victor E. Fleming, Jr., Investigations (File No. C97-001 JWA)
13. Hearing and Disposition on Disciplinary Charges filed against Officer Michael T. Redmond, Northern (File No. C97-064 JWA)
14. Hearing and Disposition on Disciplinary Charges filed against Sergeant Gerald C. D'Arcy, Tenderloin Task Force (File No. C97-060 JWA)
15. Hearing and Disposition on Disciplinary Charges filed against Inspector Vincent Repetto, Investigations (File No. C97-157 JWA)
16. Hearing and Disposition on Disciplinary Charges filed against Inspector Richard D. Adkins, Investigation (File No. C97-158 JWA)

**CONSENT CALENDAR**

1. Request of the Chief of Police for Approval to accept donation of \$1,966.86, from Deputy Chief Richard Holder, for Repainting of Department Vehicle #161C287

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**AUGUST 13, 1997****CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:00 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

a. Officers for Justice v. Civil Service Commission et. al., USDC  
C73-0657

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**AUGUST 13, 1997****REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE  
ACTION TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

Motion by Commissioner Perry, second by Commissioner Herrera not to disclose action taken or discussion held in Closed Session.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 107-97**

**APPROVAL TO ACCEPT DONATION OF \$1,966.86, FROM  
DEPUTY CHIEF RICHARD HOLDER, FOR REPAINTING OF  
DEPARTMENT VEHICLE #161C287**

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of \$1,966.86, for Deputy Chief Richard Holder, for repainting of Department Vehicle #161C287.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 99-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
FOR TAKING OF EVIDENCE ON ADDITIONAL DISCIPLINARY  
CHARGES FILED AGAINST OFFICER ROBERT A. TAYAC,  
SUPPORT SERVICES (FILE NO. C97-115 DTC)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Robert A. Tayac, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tayac; therefore be it

RESOLVED, that Commissioner Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Robert A. Tayac, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

### POLICE COMMISSION REPORT

No meeting on August 27th.

Commissioner Herrera asked the Chief for report regarding Consent Decree for next week's Closed Session. Commissioner also discussed article in paper regarding permits relating to porn shops.

### CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated that the Commission are welcome to attend new class.

Commissioner Norman inquired regarding vehicle pursuit of 8/12/97.

Deputy Chief Pengel discussed Airport transition.

Commissioner Norman asked for a report regarding Airport budget and that a report be presented to the Commission in three months regarding Airport concerns.

Commander Portoni discussed Drug Elimination Program.

Chief Lau stated that on August 28th, members of the Department are taking 200 children to the circus.

### OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Mary Dunlap stated investigator's applications are being reviewed and hiring probably in October. She further discussed letter of complaint from "Harlow" and response from the OCC.

### RESOLUTION NO. 100-97

### APPROVAL OF ROUND TABLE RECOMMENDATIONS ON POLICE DISCIPLINE REFORM

RESOLVED, that the Police Commission hereby approves Roundtable recommendations on Police Discipline reform, as follows:

1. Delay and lack of timeliness lead to miscarriages of justice or the perception of injustice. The process needs to be sped up. The Roundtable recommends the following goals:

1 year to complete MCD and OCC investigations

90 days to move a verified complaint to a Police Commission hearing

60 days for MCD to review and return complaints to the OCC

60 days for MCD from the end of an investigation to the filing of charges

90 days for OCC from the end of an investigation to the filing of charges OCC did submit a list of exceptions to these goals and other agencies may also have exceptions to these general goals. These exceptions were not part of the Roundtable's consensus process, however, the Roundtable did recognize the need to outline some exceptions.

To keep track of progress towards these goals, we recommend quarterly reports to MCD and OCC to the Police Commission during regular Commission meetings. The reports would include the number of cases and how long they have been pending. At these same meetings, the Commission would report to the public its own progress towards these goals.

2. Cooperation between the different parties in the discipline process needs to be improved not further strained. The Roundtable recommends that the police reinstate its 14 year old practice of allowing overtime pay when necessary for officers to respond to OCC complaints.

3. The Roundtable encourages all parties to use mediation to resolve cases which don't involve major infractions, physical harm, or offensive slurs.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

Commissioner stated that more discussions and reform are needed and that the Commission will make further recommendations by the end of the year.

### **PUBLIC COMMENTS**

Jesus Gumba discussed complaint regarding actions of police.

### **HEARING OF SERGEANT MICHAEL T. DEMPSEY, RICHMOND STATION (FILE NO. C56-138 DTC)**

The hearing of Sergeant Michael T. Dempsey, Star No. 1087, Richmond Station, was called it having been set for this date. Sergeant Dempsey was charged with violating the Rules and Procedures as follows:

#### **SPECIFICATION NO. 1**

Conduct Reflecting Discredit (using uncivil language, in violation of Department General Order 2.01, Rule 14)

#### **SPECIFICATION NO. 2**

Conduct Reflecting Discredit (soliciting and accepting gifts without permission of the Police Commission, in violation of Department General Order 2.01, Rule 27)

#### **SPECIFICATION NO. 3**

Neglect of Duty (refusing to answer questions during an investigation, in violation of General Order 2.01, Rule 21)

in a property verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Sergeant Michael T. Dempsey appeared in person and was represented by Ms. Katherine M. Mahoney, Attorney at Law.

Ms. Diane T. Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Sergeant Dempsey accepted responsibility for his actions and admitted to the charges.

Based on Sergeant Dempsey's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Sergeant Dempsey be suspended for twenty (20) days, and that ten (10) days be held in abeyance for two (2) years. He is to be credited two days for suspension already served.

The Commission took the matter under submission and the following resolution was adopted:

### **RESOLUTION NO. 101-97**

### **DECISION - HEARING OF SERGEANT MICHAEL T. DEMPSEY, RICHMOND STATION (FILE NO. C56-138 DTC)**

WHEREAS, on January 16, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Michael T. Dempsey, Star No. 1087, as follows:

SPECIFICATION NO. 1

Conduct Reflecting Discredit (using uncivil language, in violation of Department General Order 2.01, Rule 14);

- (1) At all times herein mentioned, Michael T. Dempsey, Star Number 1087, (hereinafter referred to as "the Accused Officer") was and is a police officer employed by the San Francisco Police Department.
- (2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) On or around June 15, 1995, the Accused Officer contacted the manager of the Coronet Theater requesting tickets for a scheduled "sneak preview" screening of a film at 12:30 a.m., on June 16, 1995. The manager indicated there would not be a problem providing tickets for the Accused Officer and his guests.
- (4) The Accused Officer arrived with seven other members of the San Francisco Police Department and their dates. He accepted free tickets for the screening of the film, "Batman Forever." At his request, he and his guests were allowed to enter the theater and secure seats before any other ticket holders were allowed in. They occupied the first row of the loge section of the theater.
- (5) Youths who were first in line outside the theater entered and were upset that the Accused Officer and other members of the Department were inside the theater and occupying the seats that the civilians had hoped to take for their own. The civilians learned from the manager that the occupants of the seats were police officers. The Accused Officer became orally engaged with one civilian youth and told him to "grow up and get a life." By engaging with the youth and making such statements, the Accused Officer violated General Order 2.01 of the San Francisco Police Department, which states in part:

"Public Courtesy. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

CHARGE NO. 2:

Conduct Reflecting Discredit (soliciting and accepting gifts without permission of the Police Commission, in violation of Department General Order 2.01, Rule 27)

- (6) Paragraphs (1) through (5) of Charge No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full.
- (7) On June 15, 1995, when the Accused Officer solicited and accepted the movie theater tickets, he violated Rule 27 of General Order 2.01 of the San Francisco Police

Department, which states in part:

“GIFTS, PRESENTS, COMPENSATION, REWARDS. Members shall not solicit or accept any gift, compensation or reward for the performance of their duties, except with the permission of the Police Commission. When offered money or gifts for police services . . . members who wish to accept the money of [sic] gift being offered shall submit a written report to their commanding officer. The report shall include a request for permission to accept the money or gifts, and include the date the offer was made, the name and address of the donor, and a brief description of the services rendered. Commanding officers shall forward these reports through channels to the Police Commission. The Commission may grant or deny the member permission to accept all or part of the money or gifts.”

CHARGE NO. 3:

Neglect of Duty (refusing to answer questions during an investigation, in violation of General Order 2.01, Rule 21)

- (8) Paragraphs (1) through (7) of Charges Nos. 1 and 2 are incorporated herein by reference and realleged as though set forth in full.
- (9) The Accused Officer was interviewed at the Office of Citizen Complaints on November 22, 1995, regarding the underlying facts of this incident. When asked which members of the Department accompanied him to the theater, the Accused Officer refused to answer.
- (10) Through a memorandum dated November 27, 1995, then Acting Chief of Police Frank Reed informed Sergeant Dempsey that refusal to cooperate with an investigation conducted by the Office of Citizen Complaints was a violation of Department General Orders.
- (11) The Accused Officer was interviewed a second time at the Office of Citizen Complaints on November 29, 1995, and again refused to identify the officers who accompanied him to the theater on June 15, 1995, asserting that the information might prejudice a pending case against them.
- (12) On November 30, 1995, the Accused Officer was interviewed a third time. At that interview, he indicated that Officers Andaya (#1068), Bozin (#814), Downes (#1563), Lew (#1503), Louie (#1795), Neal (#1278) and Officer Wong, who has since resigned, attended the movie screening with him on June 15, 1995.
- (13) By refusing to cooperate with the investigation and provide answers to questions directed to him, the Accused Officer violated Rule 21 of Department General Order 2.01 of the San Francisco Police Department, which states in part:

“Cooperation with Investigations. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion.”

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 13, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Sergeant Dempsey's admissions, the Commission finds that the allegations contained in Specification Nos. 1, 2, and 3, as preferred by Chief of Police Fred H. Lau against Sergeant Michael Dempsey are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification Nos. 1, 2, and 3

Sergeant Michael T. Dempsey, Star No. 1087, be suspended for twenty (20) days, and that ten (10) days be held in abeyance for two (2) years; and that he be credited two days suspension already served.

FURTHER RESOLVED, that remaining eight (8) day suspension shall commence on Friday, August 22, 1997, at 0001 hours and terminate on Friday, August 29, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

**HEARING OF INSPECTOR VICTOR E. FLEMING, JR.,  
INVESTIGATIONS (FILE NO. C97-001 JWA)**

The hearing of Inspector Victor E. Fleming, Jr., Star No. 1610, Investigations, was called it having been set for this date. Inspector Fleming was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Intoxication while on duty (violation of Rule I-A-4 of Department General Order 2.02 of the San Francisco Police Department);

in a property verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Inspector Victor M. Fleming, Jr., appeared in person and was represented by Ms. Katherine M. Mahoney, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Fleming accepted responsibility for his actions and admitted to the charges.

Based on Inspector Fleming's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that:

1. Inspector Fleming be suspended for ninety (90) days, and that seventy-five (75) days be held in abeyance for three (3) years, with credit of seven (7) days he served on interim suspension;
2. Inspector Fleming meet with the Commanding Officer of the Staff Services Division and that he participate in a program under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division. It will require evaluation of what, if any, problem the officer may have with alcohol abuse and prescribe training, treatment, counseling and medical treatment as appropriate to deal with the problem and quarterly reports to the Commission concerning the participation in and the termination of the program.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 102-97**

**DECISION - HEARING OF INSPECTOR VICTOR M. FLEMING, JR.,  
INVESTIGATIONS (FILE NO. C97-001 JWA)**

WHEREAS, on January 13, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Victor M. Fleming, Jr., Star No. 1610, as follows:

**SPECIFICATION NO. 1**

Intoxication while on duty (violation of Rule I-A-4 of Department General Order 2.02 of the San Francisco Police Department);

- (1) At all times herein mentioned VICTOR M. FLEMING, Jr., Star Number 1610, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department holding the rank of Inspector and assigned to the General Work Unit, Investigations Bureau.
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) On January 8, 1997, the accused was on duty in the General Work Detail working from 0600 hours to 1600 hours. In the early afternoon at approximately 1410 hours, the accused was speaking loudly in a noisy and disruptive manner in the General Work Office at Room 411, Hall of Justice, 850 Bryant Street, San Francisco, California. The Officer in Charge of the General Work Unit noticed this unusual behavior and that the accused's face appeared to be flushed. The Officer in Charge called the accused into his office to determine if there was a problem which needed his attention.
- (4) In the course of the conversation between the accused and his Officer in Charge, the accused denied he had been drinking but gave incongruous

and non-responsive answers to questions asked of him. The Officer in Charge contacted the Commanding Officer of the Investigations Bureau who requested that they both come to his office. The Commanding Officer determined that the accused had been drinking and appeared to be intoxicated.

- (5) The Commanding Officer of the Investigations Bureau ordered the accused to submit to a blood-alcohol test. The accused complied with the order.
- (6) On January 8, 1997, at 1458 hours the accused was tested by the department Intoxilyzer - alcohol analyzer. Two breath samples were taken and analyzed. The first sample was taken at 1458 hours tested at .203 percent of alcohol in the blood by weight and at 1501 hours the second sample tested at .183 percent of alcohol in the blood by weight.
- (7) Pursuant to General Order 2.02, Rule I-B-1 Intoxication is defined as the member being unable to perform his duties. The rule further states that a member shall be deemed intoxicated for purposes of the General Order to be intoxicated if the member has .04 percent or more by weight of alcohol in his or her blood.
- (8) The accused by being intoxicated on duty violated of Rule I-A-4 of Department General Order 2.02, which states:

*"1. POLICY*

*A. Members shall not consume any alcoholic beverage while on duty.*

...

*4. INTOXICATION. A member shall not be intoxicated at any time while on duty or while carrying a weapon."*

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 13, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Fleming's admissions, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Fred H. Lau against Inspector Victor E. Fleming, Jr., are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification No. 1

1. That Inspector Victor M. Fleming, Jr., Star No. 1610, be suspended for ninety (90) days, and that seventy-five (75) days be held in abeyance for three (3) years, with credit of seven (7) days - he served on interim suspension;
2. That Inspector Fleming meet with the Commanding Officer of the Staff Services Division and that he participate in a program under

Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division. It will require evaluation of what, if any, problem the officer may have with alcohol abuse and prescribe training, treatment, counseling and medical treatment as appropriate to deal with the problem and quarterly reports to the Commission concerning the participation in and the termination of the program.

FURTHER RESOLVED, that remaining eight (8) day suspension shall commence on Saturday, August 16, 1997, at 0001 hours, and terminate on Saturday, August 23, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

**HEARING OF OFFICER MICHAEL T. REDMOND, NORTHERN  
(FILE NO. C97-064 JWA)**

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The hearing of Police Officer Michael T. Redmond, Star No. 1494, Northern Station, was called it having been set for this date. Officer Redmond was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Michael T. Redmond appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Redmond accepted responsibility for his actions and admitted to the charges.

Based on Officer Redmond's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Officer Redmond be suspended for sixty (60) days, and that fifteen (15) days be held in abeyance for two (2) years, on the following terms:

1. Officer Redmond serve a forty-five (45) day suspension;

2. Officer Redmond meet with the Commanding Officer of the Staff Services Division and that he participate in a program under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division. It will require evaluation of what, if any, problem the officer may have with alcohol abuse and prescribe training, treatment, counseling and medical treatment, as appropriate, to deal with the problem, and quarterly reports to the Commission concerning the participation in, and the termination of the program.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 103-97**

**DECISION - HEARING OF OFFICER MICHAEL T. REDMOND,  
NORTHERN STATION (FILE NO. C97-064 JWA)**

WHEREAS, on July 25, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Michael T. Redmond, Star No. 1494, as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned MICHAEL T. REDMOND, Star Number 1494, (herein referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Northern District in the Field Operation Bureau.
- (2) As an officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) On January 1, 1997, at 1420 hours, as the accused drove a motor vehicle eastbound on Westborough Boulevard near its intersection with El Camino Real in the City of South San Francisco, San Mateo County, the traffic light turned red signaling him to stop. Notwithstanding the red light, the accused continued into the intersection and struck an automobile turning left from El Camino Real onto Westborough Boulevard with the light green for her direction of travel. By entering the intersection of El Camino Real and Westborough Boulevard after the traffic signal light had turned from green to red, the accused violated California Vehicle Code § 21453, which states:

"(a) A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b)."

- (4) The accused by driving into the intersection and striking an automobile making a turn violated the basic speed law, California Vehicle Code § 22350 which states:

"No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property."

- (5) The accused did not stop his vehicle after the collision at the intersection of El Camino Real and Westborough Boulevard. Two witnesses attempted to follow the accused as he left the scene of the collision. They were able to follow him for a ways and get close enough to identify the accused and his vehicle, then he managed to evade them. The witnesses did identify the accused's vehicle and noted his vehicle license number. Witnesses provided South San Francisco Police Department officers with the information of what they had seen, the accused's direction of travel, and the identity of the vehicle which later was determined to belong to the accused.
- (6) The accused stopped at a Taco Bell Restaurant on El Camino Real in South San Francisco, where he was located by South San Francisco Police Department officers at 1445 hours. After he was located, the accused was detained for investigation of the hit and run collision and the South San Francisco Police officers noted that the accused appeared to be under the influence of alcohol.
- (7) By leaving the scene of the collision with another vehicle at the intersection of El Camino Real and Westborough Boulevard without exchanging information with the other driver and in not identifying himself to the other driver, the accused engaged in conduct which violates California Vehicle Code §20002, which states:

**"§ 20002. Duty where property damaged**

(a) The driver of any vehicle involved in an accident resulting in damage to any property, including vehicles, shall immediately stop the vehicle at the scene of the accident and do either of the following:

(1) Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved and, upon locating the driver of any other vehicle involved or the owner or person in charge of any damaged property, upon being requested, present his or her driver's license, and vehicle registration, to the other driver, property owner, or person in charge of that property. The information presented shall include the current residence address of the driver and of the registered owner. If the registered owner of an involved vehicle is present at the scene, he or she shall also, upon request, present his or her driver's license information, if available, or other valid identification to the other involved parties.

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

....

C. Any person failing to comply with all the requirements of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$ 1,000), or by both."

- (8) The accused, by driving too fast, by failing to stop for a red light and by leaving the scene of the collision with another vehicle without exchanging information with the other driver and in not identifying himself to the other driver engaged in conduct which, in a criminal context, violates California Vehicle Code §§ 22350, 21453(a) and 20002, and any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

SPECIFICATION NO. 2:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (9) The allegations contained in paragraphs 1 through 7 of Specification No. 1, are realleged as though set forth in full.
- (10) On January 1, 1997, after the accused was located at the Taco Bell Restaurant at 1445 hours, a South San Francisco police officer administered a "field sobriety" test, which the accused did not successfully complete, and a "Preliminary Alcohol Screening" test, which indicated his blood alcohol at 0.19 percent alcohol by weight. On January 1, 1997, at 1535 hours the accused was arrested, he was admonished concerning mandatory blood alcohol testing and elected to give a urine sample for testing to determine his blood alcohol level. The accused was taken to the South San Francisco Police Station where he provided two urine samples which were collected at 1537 and 1601 hours on January 1, 1997. The urine samples were delivered to the Forensic Laboratory of the San Mateo County Sheriff's Office, which conducted an analysis as prescribed by the California Code of Regulations. The analysis revealed that the accused's blood contained 0.19% of alcohol by weight.
- (11) California Vehicle Code §§ 23153 (a) and (b), state:
- "§ 23152. DRIVING UNDER THE INFLUENCE.*
- (a) It is unlawful for any person while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug.*
- (b) It is unlawful for any person while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle."*
- (12) The accused by driving a motor vehicle under the influence of alcoholic beverages, engaged in conduct which, in a criminal context, violates California Vehicle Code §23152 (a) and (b), and which any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

*MISCONDUCT. "Any breach of the peace, neglect of*

*duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 13, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Redmond's admissions, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by Chief of Police Fred H. Lau against Officer Michael T. Redmond are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification Nos. 1 & 2

Officer Michael T. Redmond, Star No. 1494, be suspended for sixty (60) days, and that fifteen (15) days be held in abeyance for two (2) years, on the following terms:

1. Officer Redmond serve a forty-five (45) day suspension;
2. Officer Redmond meet with the Commanding Officer of the Staff Services Division and that he participate in a program under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division. It will require evaluation of what, if any, problem the officer may have with alcohol abuse and prescribe training, treatment, counseling and medical treatment, as appropriate, to deal with the problem, and quarterly reports to the Commission concerning the participation in, and the termination of the program.

FURTHER RESOLVED, that said forty-five (45) day suspension shall commence on Saturday, August 23, 1997, at 0001 hours and terminate on Monday, October 6, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

**HEARING OF SERGEANT GERALD C. D'ARCY, TENDERLOIN TASK FORCE (FILE NO. C97-060 JWA)**

The hearing of Sergeant Gerald C. D'Arcy, Star No. 185, Tenderloin

Task Force, was called it having been set for this date. Sergeant D'Arcy was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Sergeant Gerald D'Arcy appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant D'Arcy accepted responsibility for his actions and admitted to the charges.

Based on Sergeant D'Arcy's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Sergeant D'Arcy be suspended for thirty (30) days, and that ten (10) days be held in abeyance for eighteen (18) months, on the following terms:

1. Sergeant D'Arcy serve a twenty (20) day suspension;
2. That Sergeant D'Arcy meet with the Commanding Officer of the Staff Services Division and that he participate in a program under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division. It will require evaluation of what, if any, problem the officer may have with alcohol abuse and prescribe training, treatment, counseling and medical treatment as appropriate to deal with the problem, quarterly reports to the Commission concerning the participation in and the termination of the program.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 104-97

DECISION - HEARING OF SERGEANT GERALD C. D'ARCY,  
TENDERLOIN TASK FORCE (FILE NO. C97-060 JWA)

WHEREAS, on July 25, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Gerald C. D'Arcy, Star No. 185, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned GERALD C. D'ARCY, Star Number 185, (referred to as "the accused") was a police officer, holding the rank of Sergeant, employed by the San Francisco Police Department assigned to the Tenderloin Task Force in the Field Operation Bureau.

- (2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) On December 7, 1996, at 0225 hours, as the accused drove a motor vehicle southbound on Interstate Highway 280 on the Doran Bridge, San Mateo County, a California Highway Patrol (CHP) state traffic officer observed that the accused was weaving and traveling slowly on the freeway.
- (4) As the accused continued driving southbound on Interstate Highway 280 in San Mateo County, the CHP Traffic officer continued following and observing him, the accused sped up and continued weaving within his lane. The CHP officer effected a traffic stop on southbound I-280 near the transition road to State Route 92. The accused did not successfully complete the roadside sobriety tests administered after the stop.
- (5) The accused was arrested on December 7, 1996 at 0305 hours and elected to perform a Breathalyzer test. The accused was transported to the San Mateo County Jail where a breathalyser test was administered at 0413 hours on December 7, 1996. The Breathalyzer samples tested at .16 and .16 percent of alcohol by volume;

California Vehicle Code §§ 23152 (a) and (b), state:

**"§ 23152. DRIVING UNDER THE INFLUENCE.**

*(a) It is unlawful for any person while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.*

*(b) It is unlawful for any person while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.*

- (6) The accused, by driving a motor vehicle under the influence of alcoholic beverages engaged in conduct which, in a criminal context, violates California Vehicle Code §23152(a) and (b); any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 13, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Sergeant D'Arcy's admissions, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Fred H. Lau against Sergeant Gerald C. D'Arcy, are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification No. 1

Sergeant Gerald C. D'Arey, Star No. 185, be suspended for thirty (30) days, and that ten (10) days be held in abeyance for eighteen (18) months, on the following terms:

1. Sergeant D'Arey serve a twenty (20) day suspension;
2. That Sergeant D'Arey meet with the Commanding Officer of the Staff Services Division and that he participate in a program under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division. It will require evaluation of what, if any, problem the officer may have with alcohol abuse and prescribe training, treatment, counseling and medical treatment as appropriate to deal with the problem and quarterly reports to the Commission concerning the participation in and if appropriate, the termination of the program.

FURTHER RESOLVED, that twenty (20) day suspension shall be served as follows: Ten (10) days suspension shall commence on Monday, September 8, 1997, at 0001 hours, and terminate on Wednesday, September 17, 1997, at 2400 hours and ten (10) days suspension shall commence on Wednesday, October 15, 1997, at 0001 hours and terminate on Friday, October 24, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

**HEARING OF INSPECTOR VINCENT P. REPETTO,  
INVESTIGATIONS (FILE NO. C97-157 JWA)**

The hearing of Inspector Vincent P. Repetto, Star No. 23, Investigations, was called it having been set for this date. Inspector Repetto was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a property verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Inspector Vincent P. Repetto appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Repetto accepted responsibility for his actions and pled no contest to the charges.

Based on Inspector Repetto's plea of no contest, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Inspector Repetto be terminated, and that said termination be held in abeyance for five (5) years, on the following terms:

1. Inspector Repetto serve a sixty (60) day suspension;
2. That Inspector Repetto meet with the Commanding Officer of the Staff Services Division and that he participate in a program analogous to the program implemented under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division and the Behavioral Sciences Unit of the department. It will require evaluation of what, if any, problem the officer may have with chronic gambling, the appropriate prescription to deal with the problem and quarterly reports to the Commission concerning the participation in and the termination of the program.

The Commission took the matter under submission and the following resolution was adopted:

#### **RESOLUTION NO. 105-97**

#### **DECISION - HEARING OF INSPECTOR VINCENT P. REPETTO, INVESTIGATIONS (FILE NO. C97-157 JWA)**

WHEREAS, on July 30, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Vincent P. Repetto, Star No. 23, as follows:

#### **SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned Inspector VINCENT P. REPETTO, Star Number 23, (herein referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Investigations Bureau.
- (2) As an officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) During the period of time commencing in the fall of 1996 and ending on or about March 25, 1997, the accused made numerous illegal wagers for his own account on the results of sporting events. Some of the aforementioned illegal wagers were made while the accused was on duty. By making numerous illegal

wagers on sporting events, the accused violated California Penal Code § 337a(6), which states:

"Every Person,

.....

6. Who lays, makes, offers or accepts any bet or bets, or wager or wagers, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, is punishable by imprisonment in the county jail for a period of not more than one year or in the state prison."

.....

This section shall apply not only to persons who may commit any of the acts designated in subdivisions 1 to 6 inclusive of this section, as a business or occupation, but shall also apply to every person or persons who may do in a single instance any one of the acts specified in said subdivisions 1 to 6 inclusive. "

- (4) The accused, by making numerous illegal wagers on sporting events, engaged in conduct which, in a criminal context violates California Penal Code § 337a(6). Any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

#### SPECIFICATION NO. 2:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (5) The allegations contained in paragraphs 1 through 4 of Specification No. 1, are realleged as though set forth in full.
- (6) On one or more occasions while on-duty, starting in the fall of 1996 and ending March 25, 1997, the accused visited premises wherein illegal bookmaking operations were being conducted. The accused failed to take any police action and also failed to report the illegal bookmaking operations to the police department. By failing to take any police action in regards to known illegal bookmaking operations and failing to report the illegal bookmaking operations to the police department, the accused violated California Penal Code § 335, which states:

"335. Duties of district attorneys, sheriffs, and others

Every district attorney, sheriff, or police officer must inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this chapter, and every officer refusing or neglecting so to do, is guilty of a misdemeanor."

- (7) The accused, by failing to take any police action in regards to known illegal bookmaking operations and failing to report illegal

bookmaking operations to the police department, engaged in conduct which in a criminal context violates California Penal Code § 335, and which also violates Rules 1 and 25 of Department General Order 2.01, which states:

1. ATTENTION TO DUTY. "The basic mission of the San Francisco Police Department and its officers is to protect life and property, to preserve the peace, prevent crime, enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law. While on-duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

25. ON-DUTY WRITTEN REPORTS. "While on-duty, members shall make all required written reports of crimes or incidents requiring police attention."

- (8) The accused, failing to take any police action regarding known illegal bookmaking operations and by failing to report illegal bookmaking operations to the police department, violated department rules and engaged in conduct which, in a criminal context violates California Penal Code § 335. Any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 13, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Repetto's plea of no contest, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by Chief of Police Fred H. Lau against Inspector Vincent P. Repetto are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification Nos. 1 & 2

Inspector Vincent P. Repetto, Star No. 23, be terminated, and that said termination be held in abeyance for five (5) years, on the following terms:

1. Inspector Repetto serve a sixty (60) day suspension;
2. That Inspector Repetto meet with the Commanding Officer of the Staff Services Division and that he participate in a program analogous to the program implemented under Department General Order 11.11, an 18 month minimum is anticipated. This program

will be structured by the Commanding Officer of the Staff Services Division and the Behavioral Sciences Unit of the department. It will require evaluation of what, if any, problem the officer may have with chronic gambling, appropriate prescription to deal with the problem and quarterly reports to the Commission concerning the participation in and the termination of the program.

FURTHER RESOLVED, that said sixty (60) day suspension shall commence on Saturday, August 23, 1997, at 0001 hours and terminate on Tuesday, October 21, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

#### **HEARING OF INSPECTOR RICHARD D. ADKINS, INVESTIGATIONS (FILE NO. C97-158 JWA)**

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The hearing of Inspector Richard D. Adkins, Star No. 1833, Investigations, was called it having been set for this date. Inspector Adkins was charged with violating the Rules and procedures as follows:

##### SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

##### SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Inspector Richard D. Adkins appeared in person and was represented by Ms. Katherine M. Mahoney, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Adkins accepted responsibility for his actions and pled no contest to the charges.

Based on Inspector Adkins' plea of no contest, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Inspector Adkins be terminated, and that said termination be held in abeyance for five (5) years, on the following terms:

1. Inspector Adkins serve a thirty (30) day suspension.

2. That Inspector Adkins meet with the Commanding Office of the Staff Services Division and that he participate in a program analogous to the program implemented under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division and the Behavioral Sciences Unit of the department. It will require evaluation of what, if any, problem the officer may have with chronic gambling, the appropriate prescription to deal with the problem, and quarterly reports to the Commission concerning the participation in and the termination of the program.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 106-97**

**DECISION - HEARING OF INSPECTOR RICHARD D. ADKINS,  
INVESTIGATIONS (FILE NO. C97-158 JWA)**

WHEREAS, on July 30, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Richard D. Adkins, Star No. 1833, as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned Inspector RICHARD D. ADKINS, Star Number 1833, (herein referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Investigations Bureau.
- (2) As an officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) During the period of time commencing in the fall of 1996 and ending on or about March 25, 1997, the accused made numerous illegal wagers for his own account on the results of sporting events. Some of the aforementioned illegal wagers were made while the accused was on duty. By making numerous illegal wagers on sporting events, the accused violated California Penal Code § 337a(6), which states:

"Every Person,

.....

6. Who lays, makes, offers or accepts any bet or bets, or wager or wagers, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, is punishable by imprisonment in the county jail for a period of not more than one year or in the state prison.

.....

This section shall apply not only to persons who may commit any of the acts designated in subdivisions 1 to 6 inclusive of this section, as a business or occupation, but shall also apply to every person or persons who may do in a single instance any one of the acts specified in said subdivisions 1 to 6 inclusive. "

- (4) The accused, by making numerous illegal wagers on sporting events, engaged in conduct which, in a criminal context violates

California Penal Code § 337a(6). Any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (5) The allegations contained in paragraphs 1 through 4 of Specification No. 1, are realleged as though set forth in full.
- (6) On one or more occasions while on-duty, starting in the fall of 1996 and ending March 25, 1997, the accused visited premises wherein illegal bookmaking operations were being conducted. The accused failed to take any police action and also failed to report the illegal bookmaking operations to the police department. By failing to take any police action regarding known illegal bookmaking operations and by failing to report the illegal bookmaking operations to the police department, the accused violated California Penal Code § 335, which states:

"§ 335. Duties of district attorneys, sheriffs, and others

Every district attorney, sheriff, or police officer must inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this chapter, and every officer refusing or neglecting so to do, is guilty of a misdemeanor."

- (7) The accused, by failing to take any police action in regards to known illegal bookmaking operation and failing to report illegal bookmaking operations to the police department, violated Rules 1 and 25 of Department General Order 2.01, which states:

1. ATTENTION TO DUTY. "The basic mission of the San Francisco Police Department and its officers is to protect life and property, to preserve the peace, prevent crime, enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law. While on-duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

25. ON-DUTY WRITTEN REPORTS. "While on-duty, members shall make all required written reports of crimes or incidents requiring police attention."

- (8) The accused, by failing to take any police action regarding known illegal bookmaking operations and by failing to report illegal bookmaking operations to the police department, violated department rules and engaged in conduct which, in a criminal context violates California Penal Code §335. Any reasonable

police officer must know that such conduct also violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation of Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 13, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Adkins' plea of no contest, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by Chief of Police Fred H. Lau against Inspector Richard D. Adkins, are sustained; therefore be it

RESOLVED, that the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification Nos. 1 & 2

Inspector Richard D. Adkins, Star No. 18333, be terminated, and that said termination be held in abeyance for five (5) years, on the following terms:

1. Inspector Adkins serve a thirty (30) day suspension.
2. That Inspector Adkins meet with the Commanding Office of the Staff Services Division and that he participate in a program analogous to the program implemented under Department General Order 11.11, an 18 month minimum is anticipated. This program will be structured by the Commanding Officer of the Staff Services Division and the Behavioral Sciences Unit of the department. It will require evaluation of what, if any, problem the officer may have with chronic gambling, appropriate prescription to deal with the problem, and quarterly reports to the Commission concerning the participation in and the termination of the program.

FURTHER RESOLVED, that said thirty (30) day suspension shall commence on Saturday, August 23, 1997, at 0001 hours, and terminate on Sunday, September 21, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 6:45 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, AUGUST 20, 1997**  
**5:00 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

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PUBLIC LIBRARY

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

- a. Celestus Blair v. CCSE, USDC C89-4176 WHO
- b. Jagger Tropf, a minor, et al. v. CCSE, Superior Court No. 979-723

PUBLIC COMMENT IS WELCOME



AUG. -19' 97 (TUE) 09:22 POLICE COMMISSION

TEL: 415 553 1669

P. 002



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, AUGUST 20, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

LUNNIE PERRY  
Commissioner

LT. MANIPI RABRETTA  
Secretary

1. Request of the Office of Citizen Complaints for Approval of Supplemental Appropriation in the amount of \$169,147.00 placed in "Board Reserve" by the Board of Supervisors Finance Committee on July 2, 1997, to fund three new positions for the OCC

1871  
1872  
1873



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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, AUGUST 20, 1997**  
**5:30 p.m.**

***Thomas J. Cahill Hall of Justice***  
***850 Bryant Street, Room 551***  
***San Francisco, California***

PAT NORMAN  
President  
DENNIS J. HERRERA  
Vice President  
SIDNEY CHAN  
Commissioner  
EDWARD J. PETRILLO  
Commissioner  
CONNIE PERRY  
Commissioner  
LT. MANUEL BARRETTA  
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Manolo A. Rosal, Support Services (File No. C97-105 JWA)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Michael A. Toropovsky, Park (File No. C96-204 DMC)
6. Police Commission Report
  - a. Motion of Calendaring of New Items
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Status Report re: Crime on Muni
10. Discussion re: Revision of Rules for Patrol Special Officers and Assistant Patrol Special Officers
11. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, AUGUST 20, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claims:
  - a. Celestus Blair v. CCSF, USDC C89-4176 WHO
  - b. Jagger Tropf, a minor, et al. v. CCSF, Superior Court No. 979-723

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

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AUGUST 20, 1997

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:05 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Celestus Blair v. CCSF, USDC C89-4176 WHO
- b. Jagger Tropf, a minor, et al. v. CCSF, Superior Court No. 979-723

PRESENT: Commissioner Norman, Herrera, Petrillo, Perry

ABSENT: Commissioner Chan

AUGUST 20, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioner Norman, Herrera, Petrillo, Perry

ABSENT: Commissioner Chan

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 108-97

CELESTUS BLAIR v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Celestus Blair v. CCSF" in Claim No. USDC C89-4176 WHO for damages sustained, be, and the same is hereby approved.

AYES: Commissioners Norman, Herrera, Petrillo, Perry  
ABSENT: Commissioner Chan

RESOLUTION NO. 109-97

JAGGER TROPF, A MINOR, et al. v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Jagger Tropf, a minor, et al. v. CCSF" in Superior Court No. 979-723 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 12, 1995

AYES: Commissioners Norman, Herrera, Petrillo, Perry  
ABSENT: Commissioner Chan

RESOLUTION NO. 110-97

APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$169,147.00 PLACED IN "BOARD RESERVE" BY THE BOARD OF SUPERVISORS FINANCE COMMITTEE ON JULY 2, 1997, TO FUND THREE NEW POSITIONS FOR THE OFFICE OF CITIZEN COMPLAINTS

WHEREAS, the Office of Citizen Complaints (OCC) is mandated by the citizens of San Francisco under the City Charter to receive and investigate citizen complaints against members of the San Francisco Police Department; and

WHEREAS, the Board of Supervisors Finance Committee placed \$170,000 in "Board Reserve" to fund three positions for the OCC: One 1371 Special Assistant X11, one 8126 Senior Investigator, and one 8174 Trial Attorney; and

WHEREAS, these positions are necessary and vital to the efficient functioning of the OCC; and

WHEREAS, the total budgetary cost of funding the three positions for the remainder of Fiscal Year 1997-1998 is \$169,147; therefore, be it

RESOLVED, that the Police Commission hereby approves the request for Supplemental Appropriation of \$169,147 from the Board Reserve of the General Fund to fund the three positions for the OCC.

AYES: Commissioners Norman, Herrera, Petrillo, Perry  
ABSENT: Commissioner Chan

**RESOLUTION NO. 111-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES  
FILED AGAINST OFFICER MANOLO A. ROSAL, SUPPORT  
SERVICES(FILE NO. C97-105 JWA)**

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Manolo A. Rosal, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Rosal; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Manolo A. Rosal, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Petrillo, Perry  
ABSENT: Commissioner Chan

**RESOLUTION NO. 112-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE  
FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES  
FILED AGAINST OFFICER MICHAEL A. TOROPOVSKY, PARK  
(FILE NO. C96-204 DMC)**

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Michael A. Toropovsky, Park, was called it having been set for this date; and

WHEREAS, Commissioner Edward Petrillo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Toropovsky; therefore be it

RESOLVED, that Commissioner Petrillo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael A. Toropovsky, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Petrillo, Perry  
ABSENT: Commissioner Chan

## **POLICE COMMISSION REPORT**

Commissioner Herrera asked the Chief for a report on the Consent Decree to be calendared for September 3rd at 4:30 p.m, Closed Session, Consent Decree update from the Chief.

## **CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau discussed "My Favorite Cop" and stated that a check for \$4,000 was received for Operation Dream.

## **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Barbara Attard appeared for Director Dunlap who is on vacation. Ms. Attard discussed process of hiring new investigators and asked that the 2nd Quarter statistics be calendared for September 3rd.

## **STATUS REPORT re: CRIME ON MUNI**

Captain Steve Tacchini reported on crime on Muni.  
Commissioner Herrera commend the Department for efforts on Muni.

## **DISCUSSION re: REVISION OF RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS**

Assistant Chief Sanders presented changes.  
Lieutenant Pecinovsky details change and updates.  
Commissioner Petrillo asked regarding training liability.  
Commissioner Herrera and Commissioner Norman discussed training.  
Commissioner Herrera discussed evaluation period for new hires.  
Linda Ross, City Attorney, discussed liability.  
Steve Johnson, POA, requested further review and asked why the changes.  
Sam Reyes, President Patrol Specials Association, reviewed all facts and history.

## **PUBLIC COMMENTS**

None.

Thereafter, the meeting was adjourned at 7:00 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



AUG. -22' 97 (FRI) 15:23 POLICE COMMISSION

TEL: 415 553 1669

P. 002



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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**CALENDAR OF PROCEEDINGS  
POLICE COMMISSION MEETING**

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meeting on *Wednesday, August 27, 1997*. The next Police Commission Regular Meeting will be on *Wednesday, September 3, 1997*, at 5:30 p.m., in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, SEPTEMBER 3, 1997  
5:30 p.m.

Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

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DOCUMENTS DEPT. Secretary

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
  - a. Motion of Calendaring of New Items
  - b. Notification of Resignation of Officer Ena Ferdinand, Traffic (File Nos. C97-091 & C97-104 JWA)
4. Chief's Report to the Police Commission
5. OCC Director's Report to the Police Commission
6. Presentation of OCC 2nd Quarter, 1997, Statistical Report
7. Status Report Re: E.V.O.C. Training
8. Discussion and Action re: Endorsement of a New Civil Service Position, "Director of Police Psychology"
9. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
10. Hearing and Disposition on Disciplinary Charges filed against Officer James M. Deignan, Central (File No. C45-106 JWA)
11. Hearing and Disposition on Disciplinary Charges filed against Officer John S. Propst, Support Services (File Nos. C0581-95 BSK & C97-092 JWA)
12. Hearing and Disposition on Disciplinary Charges filed against Officer Timothy Fitzgerald, Potrero (File No. C97-014 JWA)

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SEPTEMBER 3, 1997

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Chan, Petrillo, Perry

ABSENT: Commissioner Herrera

POLICE COMMISSION REPORT

- a. Motion of Calendaring of New Items
- b. Notification of Resignation of Officer Ena Ferdinand, Traffic  
(File Nos. C97-091 & C97-104 JWA)

Commissioner Norman stated meeting of September 24th will be held at Park District.

RESOLUTION NO. 113-97

HEARING OF OFFICER ENA FERDINAND, TRAFFIC  
(FILE NOS. C97-091 & C97-104 JWA)

WHEREAS, on May 27, 1997 and June 9, 1997, Fred H. Lau, Chief of Police, made and served charges against Police Officer Ena C. Ferdinand, Traffic , as follows:

FILE NO. C97-091 JWA:

SPECIFICATION NO. 1

Neglect of duty in failing to be equipped with her Department identification card while carrying a handgun off-duty (violation of Rule H-2 of Department General Order 10.02 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department)

FILE NO. C97-104 JWA:

SPECIFICATION NO. 1

Failure to obey a written order from a superior officer to report for an interview at the Management Control Division (violation of Rule A-10 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a superior officer and subverting the good order, efficiency and discipline of the department and bringing discredit on the department (violation of Rules 9 and 21 of Department General Order 2.01 of the San Francisco Police Department);

and

WHEREAS, Officer Ena C. Ferdinand, Star No. 1555, Traffic Division submitted her resignation from the San Francisco Police Department effective, effective close of business on Thursday, August 28, 1997; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of



the San Francisco Police Department filed against Officer Ena C. Ferdinand, Star No. 1555, be, and the same are hereby continued off calendar.

AYES: Commissioners Norman, Chan, Petrillo, Perry

ABSENT: Commissioner Herrera

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau briefed the Commission regarding Critical Mass.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Director Dunlap stated that the new Chief Investigator will start on 9/8/97 and there are 10 candidates for new attorney that will be interviewed over the next two weeks.

**PRESENTATION OF OCC 2ND QUARTER, 1997, STATISTICAL REPORT**

Director Dunlap present the 2nd Quarter OCC statistical report for 1997.

**STATUS REPORT RE: E.V.O.C. TRAINING**

Captain Lawson, Police Academy, discussed EVOC training and stated that more hands-on training are implemented. He also stated that EVOC training will be added to advance officers training beginning January, 1998.

**DISCUSSION AND ACTION RE: ENDORSEMENT OF A NEW CIVIL SERVICE POSITION, "DIRECTOR OF POLICE PSYCHOLOGY"**

Deputy Chief Welch discussed the endorsement of a new civil service position. He requested that a letter be drafted from the Commission requesting the new position and forwarded to the Civil Service Commission.

Sgt. Forrest Fulton discussed the position of Police Psychologist.

(For actual resolution: See Minutes of 9/24/97 meeting, Resolution No. 114-97)

**HEARING OF OFFICER JAMES M. DEIGNAN, CENTRAL (FILE NO. C45-106 JWA)**

The hearing of Police Officer James M. Deignan, Star No. 2002, Central Station, was called it having been set for this date. Officer Deignan was charged with violating the Rules and Procedures as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

**SPECIFICATION NO. 2**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Officer James M. Deignan appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Deignan accepted responsibility for his actions and admitted to the charges.

Based on Officer Deignan's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Officer Deignan be suspended for twenty (20) days, and that ten (10) days be held in abeyance for five (5) years.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 115-97**

**DECISION - HEARING OF OFFICER JAMES M. DEIGNAN, CENTRAL (FILE NO. C45-106 JWA)**

WHEREAS, on December 5, 1994, Anthony D. Ribera, former Chief of Police of the San Francisco Police Department, made and served charges against Police Officer James M. Deignan, Star No. 2002, as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, JAMES M. DEIGNAN, Star Number 2002 (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department and assigned to the Central District;
- (2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On July 6, 1994, at or about 1940 hours the accused was off duty and driving his motor vehicle Northbound on Highway 101 near Hamilton Field, in Marin County, California (herein "Highway 101"); a citizen (herein "the citizen") noticed the accused driving erratically and weaving from lane to lane on Highway 101; the citizen used his cellular telephone to call the Highway Patrol to report the accused's driving; when the citizen called to tell the Highway Patrol dispatcher that the accused had exited the freeway, the Highway Patrol referred the matter to the Novato Police Department; the citizen followed the accused as he drove to his home and waited while the Novato Police department responded;
- (4) On July 6, 1992, at or about 1940 hours a Novato Police Department (NPD) Officer contacted the accused in the front yard of the accused's residence in Novato, California; the NPD officer noticed an odor of alcohol on the accused's breath, his bloodshot eyes, unsteady balance, slurred speech and based on other factors discovered in his investigation, requested that the accused perform field sobriety tests; the accused refused to perform any

tests, but challenged the officer to either arrest him or leave; the NPD officer detained the accused; since the NPD officer had not witnessed the accused driving his vehicle he did not arrest him, but the citizen placed the accused under arrest for violation of California Vehicle Code section 23152(a) [Driving under the influence];

- (5) The accused has the duty to uphold the law and by driving a motor vehicle while under the influence of alcohol in violation of California Vehicle Code section 23152 (a) has engaged in conduct which violates Rule A-9 of General Order D-1 [now Rule 9 of Department General Order 2.01] of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (6) Paragraphs (1) through (5) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;
- (7) The NPD Officer investigating the incident, after the accused had been arrested, requested that the accused perform a chemical test for alcohol under California Vehicle Code §23157; the accused refused his consent to a chemical test;
- (8) California Vehicle Code § 13353 (a)(1) prescribes a one year suspension of driving privileges as the penalty for refusing to take or complete a chemical test for alcohol after an arrest for violation of California Vehicle Code §23152(a); the accused is regularly assigned to patrol duty at Central Station, which requires that he be able to legally drive a police vehicle on patrol duty; while his license is suspended, the accused cannot legally operate a department vehicle;
- (9) The accused, by refusing to take a blood alcohol test after he was arrested for driving a motor vehicle while under the influence of alcohol in violation of California Vehicle Code sections 23152 (a) which resulted in the automatic suspension of his drivers license and limiting the available assignments on patrol duty, has engaged in conduct which subverts the good order, discipline and efficiency of the department in violation of Rule A-9 of General Order D-1 [now Rule 9 of Department General Order 2.01]] of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or

without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 3, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Deignan's admissions, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by former Chief of Police Anthony D. Ribera against Officer James M. Deignan are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification No. 1 - Sustain

Specification No. 2 - Sustain

Officer James M. Deignan, Star No. 2002, be suspended for twenty (20) days, and that ten (10) days be held in abeyance for five (5) years.

FURTHER RESOLVED, that said ten (10) day suspension shall commence upon Officer Deignan's return from disability leave.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Chan, Petrillo, Perry  
ABSENT: Commission Herrera

**HEARING OF OFFICER JOHN S. PROPST, SUPPORT SERVICES  
(FILE NOS. C0581-95 BSK & C97-092 JWA)**

The hearing of Police Officer John S. Propst, Star No. 48, Support Services, was called it having been set for this date. Officer Propst was charged with violating the Rules and Procedures as follows:

**FILE NO. C0581-95 BSK**

**SPECIFICATION NO. 1**

Discourtesy (a violation of Rule 14 of General Order 2.01 of the San Francisco Police Department);

**SPECIFICATION NO. 2**

Unwarranted Action (a violation of Rule 9 of General Order 2.01 of the

San Francisco Police Department);

FILE NO. C97-092 (Amended)

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in personal business while on disability leave without first securing permission (violation of Rule M of Department General Order 11.01 of the San Francisco Police Department);

in properly verified complaints by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer John S. Propst appeared in person and was represented by Mr. Earl Disselhorst, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Propst accepted responsibility for his actions and admitted to the charges, as amended.

Based on Officer Propst's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Officer Propst be terminated, and that the termination be held in abeyance for two (2) years, on the following terms:

1. Officer Propst be suspended for 90 days, but shall serve 45 days of that suspension commencing forthwith, the balance not imposed on condition of good behavior for the two years the suspension is held in abeyance.
2. Officer Propst be transferred from the solo motorcycle unit, loss of hazard pay and reassigned to a unit in the Field Operations Bureau at the discretion of the Deputy Chief of the Field Operations Bureau.
3. Upon completion of the two year period without further incidents, and upon certification by the Deputy Chief of the Field Operations Bureau for good conduct for said two years, Officer Propst shall be reappointed to the next available position in the solo motorcycle unit, based on this Police Commission resolution.

The Commission took the matter under submission and the following

resolution was adopted:

RESOLUTION NO. 116-97

DECISION - HEARING OF OFFICER JOHN S. PROPST, SUPPORT SERVICES (FILE NOS. C0581-95 BSK & C97-092 JWA)

WHEREAS, on February 21, 1996 & May 29, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer John S. Propst, Star No. 48, as follows:

FILE NO. C0581-95 BSK

SPECIFICATION NO. 1

Discourtesy (a violation of Rule 14 of General Order 2.01 of the San Francisco Police Department).

- (1) At all times herein mentioned, John Propst, Star Number 48, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about August 6, 1995, at 580 Geary Street in the City and County of San Francisco, the accused did engage in a traffic stop with German tourists outside the Savoy Hotel;
- (4) Robert Koenig then approached the situation in order to explain to the officer the tourists did not speak English;
- (5) The accused did then state the tourists should go back to their own fucking country, or words to that effect;
- (6) Said language is a direct violation of Rule 14 of General Order 2.01, which states:

"PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. When requested, members shall promptly and politely provide their names, star numbers and assignment."

SPECIFICATION NO. 2

Unwarranted Action (a violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

- (7) After this conversation, the accused did follow Mr. Koenig into the hotel and did arrest him for interfering with the traffic incident involving the tourist;
- (8) This arrest was without probable cause, and as such violated Rule 9 of General Order 2.01 which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the

efficiency and discipline of the department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

FILE NO. C97-092 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned JOHN S. PROPST, Star Number 48, (herein referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Solo Motorcycles in the Traffic Company.
- (2) As an officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) During the two years before December 4, 1996, the accused was a customer and frequented a retail business that sold ski and sports equipment located near the intersection of Bush Street and Franklin Street in the City and County of San Francisco. The accused was a customer and frequented the premises of the store both while on duty before he was injured in August of 1996 and while on disability leave after his injury. At some point the accused became interested in learning how to service skis and expressed the desire to become certified as a technician in mounting ski bindings. The accused asked the store manager if he could work with the employees and use the equipment in the store to learn the process of mounting bindings and to prepare himself for certification. The manager consented to the accused's request.
- (4) On May 3, 1996, the accused was on duty on traffic patrol. As he drove by the intersection of Bush Street and Franklin Street in the City and County of San Francisco on his department motorcycle, he observed a parking control officer from the San Francisco Department of Parking and Traffic Control in the process of towing a motor vehicle from the street. The accused recognized the motor vehicle as one belonging to the manager of the retail ski and sports store referred to in paragraph 3, above. The accused pulled over on his motorcycle and talked to the Parking and Traffic Control Officer. He learned that the vehicle was going to be towed for violation of Vehicle Code § 22651(I) which permits towing of vehicles with more than five outstanding notices of parking violation to which the person cited has not responded. The accused requested that the parking control officer not impound the motor vehicle as a favor to him. The parking control officer agreed not to impound the vehicle and left the area.
- (5) The accused engaged in personal business while on duty when he interfered with the parking control officer in the performance of his duties. The accused conduct violated Rule 1 of Department General Order 2.01, which states:

"1. ATTENTION TO DUTY. "The basic mission of the San Francisco Police Department and its officers is to protect life and property, to preserve the peace, prevent crime, enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law. While on-duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

The accused conduct violated Rule 45 of Department General Order 2.01, which states:

"SECURING PERSONAL PRIVILEGES. "Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct."

- (6) Shortly after the accused interceded with the parking control officer on behalf of the manager, the manager gave the accused a pair of skis in consideration for saving his car from being towed and impounded. The accused accepted the gift skis.
- (7) The accused did not request permission from the department to accept the gift of the skis. Rule A-27 of Department General Order 2.01 requires members to request permission before accepting a gift for performing services, it states:

"27. GIFTS, PRESENTS, COMPENSATION, REWARDS. Members shall not solicit or accept any gift, compensation or reward for the performance of their duties, except with the permission of the Police Commission. When offered money or gifts for police services (other than monies received pursuant to Section 10B.1 of the City Administrative Code), members who wish to accept the money or gift being offered shall submit a written report to their commanding officer. The report shall include a request for permission to accept the money or gifts, and include the date the offer was made, the name and address of the donor, a brief description of the services rendered. Commanding officers shall forward these reports through channels to the Police Commission. The Police commission may grant or deny the member permission to accept all or part of the money or gifts."

- (8) The accused, by engaging in personal business while on duty, by interfering with the San Francisco Department of Parking and Traffic Control officer in performing his duties to tow and impound the manager's vehicle which was parked on the street with outstanding parking citations, and by accepting a pair of gift skis in consideration for interfering with the towing of the manager's automobile and failing to request permission from the Police Commission to accept the gift, has engaged in conduct any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either

within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (9) Paragraphs 1 through 7 of Specification No. 1 are realleged and incorporated in this specification by reference as though set forth in full.
- (10) ~~On about November 25 or 26, 1996, an employee of the store informed the manager of the store that on or about November 23, 1996 the accused entered the store and took two pair of new skis from the inventory area to the work shop area of the store. The accused then took two sets of bindings from the inventory area to the workshop area of the store. The accused mounted the bindings on the new skis. The accused had not purchased the new skis, did not have a work order for the new skis and when questioned about this by another employee stated that the manager owed him money and that it was all right. The accused was seen leaving the shop with a ski bag with 2-3 pair of skis when he left the shop that day.~~
- (11) On a Saturday before the Thanksgiving Holiday, 1996, possibly November 16, 1996, while the manager was out of the store, the accused brought the pair of gift skis the manager had given him to the work shop area of the store, the accused removed a pair of bindings from the retail part of the store and mounted the bindings on the gift skis. The accused then took the gift skis and bindings with him to his residence. The manager did not give the accused permission to take the bindings which the accused installed on the gift skis.
- (12) On November 25 or 26, 1996, the manager called the accused on the telephone and asked him to come into the store. ~~The manager asked the accused about two pair of skis that were missing which matched the new skis which another employee had reported the accused took to the work shop and installed bindings on. The accused professed ignorance of any knowledge of the missing skis.~~
- (13) During his questioning of other employees, the manager had learned that the accused had installed bindings on the pair of gift skis the manager had given to him (see paragraph 11 above). The manager did not give the accused permission to take the bindings. The manager asked the accused to return the gift skis and the bindings the accused had installed without permission. The accused offered to pay for the bindings, but the manager requested that the gift skis and the bindings the accused installed without permission be returned. ~~Eventually,~~ the accused did return the gift skis and bindings he had installed without permission, as requested.
- (14) The accused, by taking a set of bindings without permission and installing them on the gift skis the manager gave to him, engaged in conduct ~~in the nature of an embezzlement or theft,~~ any reasonable police officer must know ~~that such conduct~~ violates the standards of the

department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 3:

Engaging in personal business while on disability leave without first securing permission (violation of Rule M of Department General Order 11.01 of the San Francisco Police Department);

- (15) On August 16, 1996, the accused injured his elbow in a motorcycle accident which resulted in disability leave. While on disability leave the accused traveled to the east bay to take courses in mounting ski bindings and worked at the retail store as described in specifications 1 and 2 above. The accused did not request permission from the department to travel to the east bay to attend courses and did not request permission from the department to work in the workshop area of the store repairing skis.
- (16) The accused, by taking classes and working at a store installing bindings while injured and on disability leave, engaged in the calling of learning and working at ski preparation and binding installation, while off duty because of an injury and on disability leave, without first securing the permission of the personnel division therefore, such conduct violates rules M-2-d and M-2-I of department General Order 11.01, which states:

M-2 "d. Members on sick or disability leave shall not leave their residences for more than 24 hours without first obtaining written authorization from their attending physicians or the Police Physician. Members shall fully discuss all the activities they plan to engage in with their attending physicians or the Police Physician to determine whether the activities could aggravate the injuries or delay convalescence. The member shall forward the written authorization to the Personnel Sergeant."

M-2 "I. Members shall not engage in any other business or calling while on sick leave or disability leave, even though prior written permission to engage in secondary employment has been received from the Chief of Police. Permission for such activity must be specifically granted by the Chief of Police with the concurrence of the General Manager of Personnel for the Civil Service Commission."

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 3, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Propst's admissions, the Commission finds that the allegations contained in Specifications No. 1 and 2 of File No. C0581-95 BSK, as amended, and Specifications Nos. 1, 2, and 3 of File No. C97-092 JWA, as amended and as preferred by Chief of Police Fred H. Lau against Officer John S. Propst are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

FILE NO. C0581-95 BSK:

Specification No. 1 - Sustain (as amended)

Specification No. 2 - Sustain

FILE NO. C97-092 JWA:

Specification No. 1 - Sustain

Specification No. 2 - Sustain (as amended)

Specification No. 3 - Sustain

Officer John S. Propst, Star No. 48, be terminated, and that said termination shall be held in abeyance for two (2) years, on the following terms:

1. Officer Propst be suspended for 90 days, but shall serve 45 days of that suspension commencing forthwith, the balance not imposed on condition of good behavior for the two years the suspension is held in abeyance.
2. Officer Propst be transferred from the solo motorcycle unit, loss of hazard pay, and reassigned to a unit in the Field Operations Bureau at the discretion of the Deputy Chief of the Field Operations Bureau.
3. Upon completion of the two year period without further incidents, and upon certification by the Deputy Chief of the Field Operations Bureau for good conduct for said two years, Officer Propst shall be reappointed to the next available position in the solo motorcycle unit, based on this Police Commission resolution.

FURTHER RESOLVED, that said forty-five (45) day suspension shall commence on **Saturday, September 6, 1997**, at 0001 hours and terminate on **Monday, October 20, 1997**, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Chan, Petrillo, Perry  
ABSENT: Commissioner Herrera

#### **PUBLIC COMMENTS**

None.

#### **HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER TIMOTHY P. FITZGERALD, POTRERO (FILE NO. C97-014 JWA)**

The hearing of Officer Timothy P. Fitzgerald, Star No. 112, Potrero Station, was called it having been set for this date. Officer Fitzgerald was charged with violating the Rules and Procedures, as follows:

##### **SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Timothy P. Fitzgerald appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

Closing arguments were made by Mr. Akins and Mr. Collins.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 117-97

**DECISION - HEARING OF OFFICER TIMOTHY P. FITZGERALD, POTRERO  
(FILE NO. C97-014 JWA)**

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WHEREAS, on February 14, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Timothy P. Fitzgerald, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, TIMOTHY P. FITZGERALD, Star Number 112, (hereinafter referred to as "the accused") was and is a probationary police officer employed by the San Francisco Police Department and assigned to the Potrero District of the Field Operations Bureau;
- (2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On February 4, 1997, the accused and two other members of the department while off duty met and during the late afternoon and early evening hours met friends and consumed drinks at several bars in San Francisco. In the late evening, at about 2230 hours, the accused and the two other members entered the Pierce Street Annex bar located at 3138 Fillmore Street, San Francisco, California;
- (4) In the Pierce Street Annex, the accused who had been employed as a Police Communications Dispatcher for about three years before becoming a Q-2 Police Officer, saw two off duty dispatchers at the bar and entered into a conversation with them. In the course of the conversation, one of the dispatchers ("the victim"), noting that the accused appeared to be somewhat intoxicated, asked him if he was carrying a gun. The accused replied, "of course not." The victim's attention was diverted momentarily, and when she looked back toward the accused, he was pointing a handgun directly at her face. After a short period of time he placed the handgun in the back pocket of his trousers. The victim and the other dispatcher immediately left the bar;
- (5) The accused during the early evening consumed several drinks of beverage alcohol. The accused appeared to be somewhat intoxicated to the victim. Rule I-A-3 of

Department General Order 2.02 provides: "OFF DUTY. A member while off duty and carrying a weapon, shall not consume alcoholic beverages to the extent that he/she becomes intoxicated." And Rule I-B-1 says, "Intoxication: Shall mean a member is unable to perform his/her duties because of the consumption or ingestion of alcohol. A member shall be deemed intoxicated if the member has .04 percent or more by weight of alcohol in his/her blood."

- (6) By drawing a firearm from his pocket and exhibiting it in a public place the accused violated Rule B-1 of Department General Order 5.02 which states: "PUBLIC PLACES. An officer shall not draw a firearm in any public place, except in the line of duty or for inspection by a superior."
- (7) The accused, by drinking beverage alcohol to the point where he appeared to be intoxicated while carrying a hand gun and by exhibiting a hand gun in a public place without any just cause, has engaged in conduct that any reasonable police officer must know would be cause for discipline or dismissal whether described in a rule or not, in violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

*" MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

SPECIFICATION NO. 2:

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

- (8) The allegations of paragraphs 1 through 6 contained in Specification No. 1 above are realleged and incorporated herein by reference as though set forth in full;
- (9) On February 5, 1997, the victim notified a supervisor at the Communications Division of the incident when she returned to duty. The supervisor notified the appropriate members of the administration and an investigation was initiated by the Management Control Division. In the evening of February 6, 1997, the accused was contacted and requested to appear for an interview concerning this matter. The accused stated that he had been in Sacramento and was in the transit and would report for the interview directly on his return to the City;
- (10) The accused was interviewed and denied that he had anything to drink at all on February 4, 1997 before the alleged exhibition of the hand gun to the victim at the Pierce Street Annex. The accused stated that while at the Pierce Street Annex, he was carrying his on duty .40 Caliber Baretta handgun in a holster on his belt. The accused denied taking the gun out and exhibiting it. The true facts are that the accused was carrying a gun belonging to one of the other officers he was with and that he was carrying it in his pants pocket;
- (11) The accused after giving an entire false scenario to the Management Control Division was confronted with other information gathered from other sources and then changed his story about where he may have been and what he had to drink, and still maintained that he did not exhibit the gun he was carrying in the Pierce Street Annex.
- (12) By not telling the truth when interviewed by the Management Control Division investigator regarding his actions at the Pierce Street Annex on February 4, 1997, the accused violated Rule 21 of Department General Order 2.01 of the San Francisco Police Department, which states:

*"COOPERATION WITH INVESTIGATORS. Members shall, when questioned on*

*matters relating to their employment with the Department by a superior officer or by one designated by a superior officer or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. . . ."*

WHEREAS, a hearing on said charges was held before the Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 2, 1997 and on Wednesday, September 3, 1997, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Officer Timothy P. Fitzgerald, as contained in Specifications Nos. 1 and 2 are not sustained by the evidence presented at the hearing; therefore be it

**RESOLVED**, that it is the order of the Police Commission that said charges contained in Specifications Nos. 1 and 2, be, and the same are hereby dismissed, as follows:

**Specification No. 1 - Not Sustain**

**AYES:** Commissioners Norman, Chan, Petrillo  
**NAYS:** Commissioner Perry  
**ABSENT:** Commissioner Herrera

**Specification No. 2 - Not Sustain**

**AYES:** Commissioners Norman, Chan, Petrillo, Perry  
**ABSENT:** Commissioner Herrera

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR.)

Thereafter, the meeting was adjourned.

\_\_\_\_\_  
Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, SEPTEMBER 10, 1997**  
**4:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

- a. Officers for Justice vs. Civil Service Commission, et al, USDC C73-0657

PUBLIC COMMENT IS WELCOME





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, SEPTEMBER 10, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer David Rios, Southern (File No. C97-191 JWA)
6. Police Commission Report
  - a. Motion of Calendaring of New Items
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Request of the Chief of Police for Approval of a Supplemental Appropriation in the amount of \$43,600 from the State of California's Citizen's Option for Public Safety Program
10. Request of the Chief of Police for Approval to Accept and Expend Funds in the amount of \$429,000 from the U.S. Department of Justice Local Law Enforcement Block Grant
11. Status Report re: Operation Parks
12. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)





**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, SEPTEMBER 10, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

**CONSENT CALENDAR**

1. Request of the Chief of Police for Approval of Taxicab Owner Permit for Mr. Boris Dinerman

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**SEPTEMBER 10, 1997**

**CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 4:35 p.m., in a Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

- a. Officers for Justice vs. Civil Service Commission, et. al. USDC C73-0657

PRESENT: Commissioners Chan, Petrillo, Perry

ABSENT: Commissioners Norman, Herrera

**SEPTEMBER 10, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION**

The Commission voted not to disclose Closed Session discussion. 5-0.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 121-97**

**APPROVAL OF TAXICAB OWNER'S PERMITS**

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that Mr. Boris Dinerman, based on his application and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to Mr. Boris Dinerman.

AYES: Commissioner Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 118-97**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR  
TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED  
AGAINST OFFICER DAVID RIOS, SOUTHERN  
FILE NO. C97-191 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer David Rios, Southern, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Rios; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Davis Rios, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

**a. Motion of Calendaring of New Items**

Commissioner Herrera discussed Special Investigation and Airport merger with Deputy Chief Pengel and Deputy Chief Willett and in coordination with other agencies (FBI etc.) to establish protocol and procedures.

Commissioner Chan discussed meeting with Director Mary Dunlap of the OCC and stated that they will meet again.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau discussed cancellation of Assistant Inspector's test and stated that a bulletin was issued regarding officers with information to come forward. He also stated that an emergency meeting was called with all parties to the Consent Decree.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Director Mary Dunlap introduced Robert Janise as Chief Investigator and stated that oral examination will begin for investigators. Director Dunlap also thanked the Commission for approval of supplemental appropriation last week.

**RESOLUTION NO. 119-97**

**APPROVAL OF SUPPLEMENTAL APPROPRIATION FROM THE STATE OF CALIFORNIA'S CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM**

WHEREAS, the San Francisco Police Department has been provided funding from the Department of Justice Local Law Enforcement Block Grant, through the Mayor's Criminal Justice Council, requiring a 10% local match in the amount of Forty Three Thousand Six Hundred Dollars; therefore be it

RESOLVED, that the Police Commission approves request for supplemental appropriation in the amount of \$43,600.00 to be to implement the Public Safety.

AYES: Commissioners Keker, Norman, Hewlett, Salinas, Chan

**RESOLUTION NO. 120-97**

**AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANT**

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for, accept, and expend funds in the amount of \$429,000.00 from the U.S. Department of Justice Local Law Enforcement Block Grant.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**STATUS REPORT RE: OPERATION PARKS**

Commander Santos updated the Commission on Operation Parks.

Commissioner Chan inquired regarding actions taken and what can be done.

Commissioner Herrera discussed coordination of a Task Force.

PUBLIC COMMENTS re: Operation Parks

Officer Sherry Hicks, Central Station, discussed patrol of parks  
Mary Dunlap and Barbara Attard, OCC, discussed complaints and recommendations.

Theresa, Coleman Advocates, discussed concerns.

Bob Washe discussed concerns regarding people in parks.

Judy Appel, Coalition on Homeless, discussed concerns regarding actions of police.

Anita Santos, homeless, discussed harassment of police.

John Crew, ACLU, discussed concerns regarding actions of police.

Patricia Tulloch discussed concerns regarding actions of police.

Mary Harris, Coleman Advocates, supports police.

Ron Elan, Coalition on Homeless, discussed concerns regarding actions of police.

Irene Thompson discussed concerns regarding homeless.

\* Commissioner Petrillo excused at 7:50 p.m.

Ron DeLeon, Supervisor of Parks and Rec, discussed concerns.

Mary Biel Wallace, Parents Advocates for Youth, supports Operations Parks.

Ms. Perez discussed concerns regarding parks.

Margaret Brannahan, Coalition on Homeless, discussed concerns regarding actions of police.

Mike McLuire discussed camping and crimes against homeless.

Arlie Secratt, homeless, discussed actions of police.

Officer A. Medina, Mission Station, discussed activities in parks, i.e. gangs, graffiti and drugs.

Officer Chuck Limbert thanked the Commission for support of Park Police.

Sgt. Steve Johnson, POA, discussed concerns.

PUBLIC COMMENTS

Sgt. John Sanford, OFJ, discussed concerns regarding compromising of assistant inspectors test. He stated this is not the first time this has happened and that it's an attempt to destroy affirmative action and asked for outside investigation.

Sgt. Steve Johnson, POA, discussed concerns regarding assistant inspectors test.

Officer Antonia Flores discussed concerns regarding test.

Officer Van Jackson discussed concerns regarding test.

Thereafter, the meeting was adjourned at 8:40 p.m.

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Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION





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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, SEPTEMBER 17, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of June 18 & 25, 1997, July 9, 16, 23 & 30, 1997
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police for Approval to Retroactively Apply for, Accept and Expend Funds from the California Office of Criminal Justice Planning (OCJP) to Implement the Operation Revitalization - "Weed & Seed" Program
9. Request of the Chief of Police for Approval to Retroactively Apply for, Accept and Expend Funds from the OCJP to Implement the Anti-Drug Abuse Enforcement Program
10. Request of the Chief of Police for Approval to Retroactively Apply for, Accept and Expend Funds from the OCJP to Implement the Suppression of Drug Abuse in Schools Program





**The Police Commission**  
**CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, SEPTEMBER 17, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

11. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
12. Hearing and Disposition on Disciplinary Charges filed against Officer Steven D. Stearns, Park Station (File No. C97-126 JWA)

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Castille Harding, et al v. CCSF, et al, Superior Court No. 981-827
2. Request of the Chief of Police for Approval to Accept Donation of \$1,000.00 from the San Francisco Elks Club #3 to be used to set up a TRAK Computer System

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

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**SEPTEMBER 17, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Perry

ABSENT: Commissioner Petrillo

**APPROVAL OF MINUTES OF MEETINGS OF JUNE 18 7 25, 1997,  
JULY 9, 16, 23 & 30, 1997**

---

Approval of minutes of meetings of June 18 & 25, 1997, July 9, 16, 23 and 30, 1997, the Commissioners having received, approved and returned copies of same.

Minutes Approved 4-0.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 122-97**

**CASTILLE HARDING, et al v. CCSF, et al**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Castille Harding, et al. v. CCSF, et al." in Superior Court No. 981-827 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 2, 1996

AYES: Commissioners Norman, Herrera, Chan, Perry  
ABSENT: Commissioner Petrillo

**RESOLUTION NO. 123-97**

**APPROVAL TO ACCEPT DONATION OF \$1,000.00 FROM THE  
SAN FRANCISCO ELKS CLUB #3 TO BE USED TO SET UP A  
TRAK COMPUTER SYSTEM**

---

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$1,000.00 from the San Francisco Elks Club #3 to be used to set up a TRAK Computer System.

AYES: Commissioner Norman, Herrera, Chan, Perry  
ABSENT: Commissioner Petrillo

**POLICE COMMISSION REPORT**

**a. Motion of Calendaring of New Items**

Commissioner Herrera requested that the budget be on the calendar for October 1, 1997.

Next week's meeting will be a district meeting.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau discussed the President's visit this coming weekend.  
Chief Lau asked that the meeting be adjourned in memory of Ms. Jean Blasdel.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**



Director Dunlap stated that meeting went well with Commission Chan. She stated that hiring is going well regarding investigators.

**RESOLUTION NO. 124-97**

**AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO IMPLEMENT THE OPERATION REVITALIZATION - "WEED & SEED" PROGRAM**

---

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to retroactively apply for, accept, and expend funds from the California Office of Criminal Justice Planning (OCJP) to implement the Operation Revitalization - "Weed & Seed" Program

AYES: Commissioners Norman, Herrera, Chan, Perry  
ABSENT: Commissioner Petrillo

**RESOLUTION NO. 125-97**

**AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO IMPLEMENT THE ANTI-DRUG ABUSE ENFORCEMENT PROGRAM**

---

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to retroactively apply for, accept, and expend funds from the California Office of Criminal Justice Planning (OCJP) to implement the Anti-Drug Abuse Enforcement Program.

AYES: Commissioners Norman, Herrera, Chan, Perry  
ABSENT: Commissioner Petrillo

**REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE OCJP TO IMPLEMENT THE SUPPRESSION OF DRUG ABUSE IN SCHOOLS PROGRAM**

---

Off calendar. Caledared in error.

**PUBLIC COMMENTS**

Richard Stilman discussed concerns regarding actions of police.  
Unidentified discussed homeless issue and supports actions of police.

Carol Leigh discussed actions of police against prostitutes.  
Unidentified discussed actions of police regarding prostitutes.  
Jeremy Graham discussed actions of police against prostitutes.  
Kiki Whitlock discussed actions of police.  
Dawn Fatah discussed actions of police regarding harassment and arrest.

Tamara Chin discussed actions of police.  
Evontina discussed actions of police.  
Victoria Schneider discussed complaints regarding actions of police.  
Nashanta Stanley discussed actions of police.

Chief Lau suggested a meeting with prostitution groups and a meeting be set with Officer Lee Miletello of FOB.

conduct violates Rule 9 of Department General Order 2.01, which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 17, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Stearns's admissions, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Fred H. Lau against Officer Steven D. Stearns are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification No. 1 - Sustain

Officer Steven D. Stearns, Star No. 1028, be suspended for forty-five (45) days, and that he be credited seven days suspension already served. Officer Stearns is to participate in the Department's 11.11 Program for 24 months.

FURTHER RESOLVED, that remaining thirty-eight (38) days suspension shall commence on Wednesday, September 17, 1997, and end on Friday, October 24, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Chan, Perry  
ABSENT: Commissioner Petrillo

Thereafter, the meeting was adjourned at 6:55 p.m. in memory of Ms. Jean Blasdel.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

- (3) On June 18, 1997, at 1600 hours, as the accused was driving his personal motor vehicle Eastbound on Lombard Street near its intersection with Scott Street in the City and County of San Francisco. The traffic light for traffic Eastbound on Lombard Street at Scott Street was red and a vehicle was stopped in front of the accused's for said red light. The accused failed to stop and struck the vehicle, which was stopped for the red light;
- (4) The accused, by failing to stop for a red light controlling traffic Eastbound on Lombard Street at Scott Street prior to striking a vehicle which was stopped for said light, the accused was driving his vehicle too fast for the conditions, in violation of the basic speed law, provided in California Vehicle Code §22350, which states:

*"No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property."*

- (5) The driver of the vehicle which was struck by the accused's vehicle reported to the investigating officers at the scene that she was injured. Officers responding to the accident scene noted that the accused appeared to be under the influence of alcohol. The accused was arrested and at 1940 hours, on June 18, 1997, a blood sample was obtained to determine the accused's blood alcohol level. Subsequent analysis of the sample of blood obtained from the accused indicated an Ethanol level of 0.24 percent;
- (6) California Vehicle Code §23153(a) and (b), state:

***"§23153. CAUSING BODILY INJURY WHILE DRIVING UNDER THE INFLUENCE.***

*(a) It is unlawful for any person while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.*

*(b) It is unlawful for any person while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver."*

- (7) The accused, by failing to stop before hitting a vehicle stopped for a red light and causing bodily injury while driving a motor vehicle under the influence of alcoholic beverages, engaged in conduct which, in a criminal context, violates California Vehicle Code §22350 and 23153(a) and (b); any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such

conduct violates Rule 9 of Department General Order 2.01, which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

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WHEREAS, based on Officer Stearns's admissions, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Fred H. Lau against Officer Steven D. Stearns are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

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If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES:	Commissioners Norman, Herrera, Chan, Perry
ABSENT:	Commissioner Petrillo

Thereafter, the meeting was adjourned at 6:55 p.m. in memory of Ms. Jean Blasdel.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 24, 1997  
6:00 p.m.**

***PARK DISTRICT  
Park Branch Library Meeting Room  
1833 Page Street  
San Francisco***

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Steven Y. Lee, Tenderloin Task Force (File No. C97-182 DC)
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Request of the Chief of Police for Formal Approval of the Creation of a New Exempt Rank, "Director of Police Psychology"
8. Request of the Chief of Police for Approval to Appropriate \$1,448,592 for the Police Academy's Move to Treasure Island, from Funds on Reserve for that Purpose
9. Captain John Newlin, Commanding Officer of Park Station, to address the Commission on Police Activities in the Park District
10. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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SAN FRANCISCO  
PUBLIC LIBRARY

PARK DISTRICT'S ANNUAL  
POLICE COMMISSION MEETING

WEDNESDAY, SEPTEMBER 24, 1997  
6:00PM

PARK BRANCH LIBRARY MEETING ROOM  
1833 PAGE STREET

CAPTAIN JOHN NEWLIN, COMMANDING OFFICER OF PARK  
PARK STATION, WILL ADDRESS THE COMMISSION  
REGARDING THE STATUS OF THE DISTRICT.

MEET THE POLICE COMMISSION. THE PUBLIC WILL BE ABLE  
TO ADDRESS THE COMMISSION REGARDING THEIR  
CONCERNS.

THE BUILDING IS ADA APPROVED.



The Police Commission of the City and County of San Francisco met in the Park District, at the Park Branch Library Meeting Room, 1833 Page Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Petrillo, Perry  
ABSENT: Commissioners Herrera, Chan

RESOLUTION NO. 127-97

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR  
TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED  
AGAINST OFFICER STEVEN Y. LEE, TENDERLOIN TASK FORCE  
(FILE NO. C97-182 DC)**

---

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Steven Y. Lee, Star No. 1057, is called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Lee; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Steven Y. Lee, and is to be set at a later date.

AYES: Commissioners Norman, Petrillo, Perry  
ABSENT: Commissioners Herrera, Chan

POLICE COMMISSION REPORT

a. **Motion of Calendaring of New Items**

None

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau is out. Assistant Chief Sanders introduced the command staff and discussed investigation regarding test compromise is ongoing.

Assistant Chief Sanders also discussed medicinal marijuana.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Barbara Attard described duties of the OCC.

RESOLUTION NO. 114-97

**APPROVAL OF THE CREATION OF A NEW EXEMPT RANK,  
"DIRECTOR OF POLICE PSYCHOLOGY"**

---

WHEREAS, the San Francisco Police Department has identified a need to establish the position of "Director of Police Psychology;" and

WHEREAS, the Police Department and its members stand to benefit organizationally as well as individually from the units and activities coordinated by the Director; and

WHEREAS, law enforcement experience and academic qualifications in the specialized area of police psychology are essential to facilitate and maintain an effective police agency; and

WHEREAS, the newly created position shall be designated as Q-90, with pay and benefits (including P.O.S.T. premium pay) identical to the existing rank of Q-80; now therefore be it

RESOLVED, that the Police Commission approves the creation of a new, exempt position in the Police Department, "Director of Police Psychology," and hereby urges approval by the Civil Service Commission.

AYES: Commissioners Norman, Petrillo, Perry  
ABSENT: Commissioners Herrera, Chan

#### **RESOLUTION NO. 128-97**

#### **APPROVAL OF SUPPLEMENTAL APPROPRIATIONS FOR \$1,448,592 FOR THE POLICE ACADEMY'S MOVE TO TREASURE ISLAND, FROM FUNDS ON RESERVE FOR THAT PURPOSE**

WHEREAS, the Federal Government has granted permission to the City of San Francisco to use properties on Treasure Island; and

WHEREAS, the Police Department has been granted permission by the city to move the Police Academy from 350 Amber Drive to Treasure Island; and

WHEREAS, the Mayor and the Board of Supervisors reserved \$1,448,592 to move the Police Academy to Treasure Island in the current 1997-98 Fiscal Year budget; therefore be it

RESOLVED, that the Police Commission hereby approves the appropriation of \$1,448,592 reserved for that purpose.

AYES: Commissioners Norman, Petrillo, Perry  
ABSENT: Commissioners Herrera, Chan

#### **CAPTAIN JOHN NEWLIN, COMMANDING OFFICER OF PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT**

Captain Newlin welcomed the Commission to Park District and described activities in the station and in the district.

#### **PUBLIC COMMENTS**

Pete Gorman, President Hayes Valley Improvement Assoc., requested for more officers due to increase in crime and problems with the homeless, drugs and intoxication and sidewalk obstruction.

Arthur Evans, resident, discussed concerns regarding harassment, crime, graffiti and the homeless.

Rick Thaler discussed concerns regarding posting signs on poles.

John Defall requested opening of abandoned buildings for the homeless.

Joe Konapka, President RAD, thanked the officers of Park Station and commends them. He discussed homeless using doorways as bathrooms and asked for a kiosk in the district.

John Bascom, North of the Panhandle Assn., thanked Captain Newlin and the officers.

Elaine Samuels, resident, discussed concerns.

Dennis Oliver, resident, discussed concerns.

Elizabeth Keishner discussed drinking and drunks.

Dotta Marie discussed concerns.

James Milton, resident, discussed homeless issue.

Pat Nathy discussed the wait for calls for service to dispatch and discussed skateboard problem.

Michael Nicalae commended Captain Newlin and officers of Park Station.

Karen Kromie, Resident, discussed concerns regarding parks  
Mora Rader, Coalition on Homeless, discussed concerns.

Thereafter, the meeting was adjourned at 7:55 p.m.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc





**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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OCT 01 1997

SAN FRANCISCO  
PUBLIC LIBRARY

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, OCTOBER 1, 1997**  
**5:15 p.m.**

***Thomas J. Cahill Hall of Justice***  
***850 Bryant Street, Room 551***  
***San Francisco, California***

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Claim of Bay Area Rentals, Claim No. 97-04126
- b. Claim of Ronald Leak, Claim No. 95-00391
- c. Schiefer vs. CCSF, USDC C97-2100 CW

**PUBLIC COMMENT IS WELCOME**





## The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

### SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**  
**WEDNESDAY, OCTOBER 1, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion Held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Status Report re: SFPD Budget
9. Discussion and Action re: Revised General Order 3.19, "Counseling of Members/Early Warning System"; Revised General Order 6.02, "Physical Evidence and Crime Scenes"; and Revised General Order 11.10, "Physical Fitness and Wellness Evaluation Program"
10. Discussion and Action re: Revised General Order 3.13, "Field Training Program"
11. Discussion and Action re: Revision of Rules for Patrol Special Officers and Assistant Patrol Special Officers





**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, OCTOBER 1, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

12. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claims:
  - a. Claim of Bay Area Rentals, Claim No. 97-04126
  - b. Claim of Ronald Leak, Claim No. 95-00391
2. Request of the Chief of Police for Approval to Accept Donation of Equipment, a Zodiac Rigid Hull Inflatable Boat and an EZ-Loader Trailer, from the Department of Defense for use in Emergency Situations

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**OCTOBER 1, 1997**

**CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m. - 5:30 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Claim of Bay Area Rentals, Claim No. 97-04126
- b. Claim of Ronald Leak, Claim No. 95-00391
- c. Schiefer vs. CCSF, USDC C97-2100 CW

PRESENT: Commissioners Herrera, Chan, Perry

ABSENT: Commissioners Norman, Petrillo

**OCTOBER 1, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Perry

ABSENT: Commissioner Petrillo

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE ACTION  
TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

The Commission voted not to disclose Closed Session discussion.  
4-0.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 129-97**

**CLAIM OF BAY AREA RENTALS**

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of "Bay Area Rentals" in Unlitigated Claim No. 97-04123 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 19, 1997

AYES: Commissioners Norman, Herrera, Chan, Perry

ABSENT: Commissioner Petrillo

**RESOLUTION NO. 130-97**

**RONALD LEAK v. CITY AND COUNTY OF SAN FRANCISCO**

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of "Ronald Leak v. City and County of San Francisco" in Unlitigated Claim No. 95-00931 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 6, 1996

AYES: Commissioners Norman, Herrera, Chan, Perry

ABSENT: Commissioner Petrillo



**RESOLUTION NO. 131-97**

**APPROVAL TO ACCEPT DONATION OF EQUIPMENT, A ZODIAC RIGID HULL INFLATABLE BOAT AND AN EZ-LOADER TRAILER, FROM THE DEPARTMENT OF DEFENSE FOR USE IN EMERGENCY SITUATIONS**

---

WHEREAS, the San Francisco Police Department is in need of equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following equipment valued at no costs to the Police Department:

- HIN #XDC6411H292, Zodiac Rigid Hull Inflatable Boat
- Serial #1ZE1SLI25xEN10901, EZ-Loader Trailer

WHEREAS, there are no costs involved to obtain these equipment from the Department of Defense; and

WHEREAS, the equipment must be used for law enforcement purpose and must be returned to the Department of Defense when they are no longer used by the Police Department ; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, equipment from the Department of Defense.

AYES: Commissioners Norman, Herrera, Chan, Perry  
ABSENT: Commissioner Petrillo

**POLICE COMMISSION REPORT**

**a. Motion of Calendaring of New Items**

None.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Assistant Chief Sanders for Chief Lau commended the Department members for handling events like the Giants championship and critical mass.

The Commission agreed and commended members for the handling of events.

Commissioner Norman discussed gang activity in the city.

Deputy Chief Willett discussed gang activity in the Mission.

Chief Sanders discussed pilot program of having cameras in radio cars.

Commander Santos discussed cameras to be placed, the company will provide.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Director Dunlap discussed supplemental budget progressing and that the money hopefully in three weeks. She also discussed new attorney James Rodriguez to assist Diane Chin to start October 14th. She also stated that the OCC is filling in five to six investigators positions in the next few weeks. She further discussed setting of goals and objectives of Director of OCC as per MEA rules and that Commissioner Chan to oversee.

**STATUS REPORT RE: SFPD BUDGET**

Captain Alex Fagan, Fiscal, update the Commission regarding budget request and amount approved.

Commissioner Chan inquired regarding budget for claims.

Commissioner Herrera discussed next year's budget.

Commissioner Norman discussed civilianization of department and mandated programs.

**DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 3.13, "FIELD TRAINING PROGRAM"**

Taken out of order. Put over to a future date.

**RESOLUTION NO. 132-97**

**ADOPTION OF REVISED GENERAL ORDER 3.19, "COUNSELING OF MEMBERS/EARLY WARNING SYSTEM," GENERAL ORDER 6.02, "PHYSICAL EVIDENCE AND CRIME SCENES," GENERAL ORDER 11.10, "PHYSICAL FITNESS AND WELLNESS EVALUATION PROGRAM"**

RESOLVED, that the Police Commission hereby approves adoption of revised General 3.19, "Counseling of Members/Early Warning System," General Order 6.10, "Physical Evidence and Crime Scenes," General Order 11.10, "Physical Fitness and Wellness Evaluation Program."

AYES: Commissioners Norman, Herrera, Chan, Perry  
ABSENT: Commissioner Petrillo

**DISCUSSION AND ACTION RE: REVISION OF RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS**

Lieutenant Pecinovsky presented changes and asked the Commission to approve rules.

Commissioner Norman advised regarding request from POA to put matter over.

Commissioner Chan read report.

Commissioner Perry discussed concerns regarding training, insurance (liability insurance).

Sam Reyes, President Patrol Special Officers Assn., discussed concerns.

Sgt. Steve Johnson, POA, discussed concerns of the POA and requested more time for discussion.

**PUBLIC COMMENTS re: Patrol Special Rules:**

Richard Stypman discussed concerns regarding Patrol Specials.

Lynn Valente, Market Street Assn., supports patrol specials.

Marie Dugan, Owner Original Joe's, stated need for officers and supports patrol specials.

Mary Dunlap, OCC Director, supports patrol special proposal.

Put over to October 15, 1997.

**PUBLIC COMMENTS**

Richard Stypman discussed problems with DPT.

Thereafter, the meeting was adjourned at 8:10 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

OCT. -03' 97 (FRI) 09:40 POLICE COMMISSION

TEL: 415 553 1669

P. 002



## The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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### CALENDAR OF PROCEEDINGS POLICE COMMISSION MEETING

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. REPRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meeting on *Wednesday, October 8, 1997*. The next Police Commission Regular Meeting will be on Wednesday, October 15, 1997, at 5:30 p.m., in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco



OCTOBER 9, 1997

SPECIAL MEETING

**PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE  
CHARGES FILED AGAINST OFFICER DAVIN COLE, INGLESIDE  
STATION, (FILE NO. 291-95 BSK) AND OFFICER MICHAEL  
ROBISON, MISSION STATION, (FILE NO. C0291-95 BSK)**

The hearing for taking of evidence in the disciplinary charges filed against Officer Davin Cole, Ingleside Station, and Officer Michael Robison, Mission Station, was called at 9:05 a.m., it having been set for this date.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officers Davin Cole and Michael Robison appeared in person and were represented by Ms. Katherine Mahoney, Attorney at Law.

Opening Statements were made by Ms. Chin and Ms. Mahoney.

The following witnesses appeared for the Department, were sworn and testified:

Michael Thompson  
Officer Davin Cole  
Nellie Davis  
Captain George Stasko  
Officer Michael Robison  
Marin D. Preston

The following exhibits were entered for identification by the Department:

Exhibit No. 1	Copy Photo Identification Process Form #291-95, dated 4/19/95 - 2 pages
Exhibit No. 2	Copy of Photo Spread signed by Nellie R. Davis Dated 5/22/95

The following exhibits were identified and entered into evidence by the Defense:

Exhibit A	Copy of SF Municipal Court Minute Order Case No. C078659556, dated 11/19/96
Exhibit B	Copy of Citation #078659556
Exhibit C	Copy of OCC Complaint #291-95
Exhibit D	Copy of CAD Printout

The meeting was then adjourned at 5:00 p.m., to be continued to Friday, October 10, 1997, at 9:00 a.m.

Recess taken during the hearing of Officers Cole and Robison:

10:40 a.m. - 11:00 a.m.  
11:50 a.m. - 1:05 p.m.  
2:00 p.m. - 2:30 p.m.  
3:55 - 4:00 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

OCTOBER 10, 1997SPECIAL MEETING

**PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE  
CHARGES FILED AGAINST OFFICER DAVIN COLE, INGLESIDE  
STATION, (FILE NO. 291-95 BSK) AND OFFICER MICHAEL  
ROBISON, MISSION STATION, (FILE NO. C0291-95 BSK)**

The hearing for taking of evidence in the disciplinary charges filed against Officer Davin Cole, Ingleside Station, and Officer Michael Robison, Mission Station, was called at 9:10 a.m., it having been continued from Thursday, October 9, 1997.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officers Davin Cole and Michael Robison appeared in person and were represented by Ms. Katherine Mahoney, Attorney at Law.

The following witnesses appeared for the Defense, were sworn and testified:

Angel David Aulet  
Lieutenant William Davenport  
Commander Joaquin Santos  
Lieutenant David Shinn  
Sergeant John Murphy

The following exhibits were identified and entered into evidence by the Defense:

Exhibit E	Copy of Complaint Summary Report #291-95
Exhibit F	Copy of Police Report #890052215 (3 pages)

The meeting was then adjourned at 12:55 p.m.

Recess taken during the hearing of Officers Cole and Robison:

10:50 a.m. - 11:05 a.m.  
11:15 a.m. - 11:20 a.m.  
11:40 a.m. - 12:00 p.m.  
12:15 p.m. - 12:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, OCTOBER 15, 1997**  
**5:15 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Vonlener Insurance Co., Claim No. 97-04165
- b. Patricia Ferretti v. CCSF, USDC No. C97-0331 SI

PUBLIC COMMENT IS WELCOME



0. PATRICIA PENELOPE V. CCSP, USDC NO. C97-0551 ST



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, OCTOBER 15, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion held in Closed Session
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Charges Filed Against Officer E.R. Balinton, Support Services (File No. C97-223 DTC)
5. Approval of Consent Calendar
6. Police Commission Report
  - a. Motion of Calendaring of New Items
  - b. Presentation of Certificates of Appreciation to Lieutenant Don Carlson, Sergeant Michael Hughes and Officer Annette Carrier
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Request for Back Wages from Officer Timothy Fitzgerald
10. Request of the Chief of Police for Authorization to Execute Hold Harmless Agreement with the State of California for the Parole LEADS Program
11. Request of the Chief of Police for Approval to Accept Donation of \$41,200.00 from the San Francisco Housing Authority for the San Francisco Police Department's Wilderness Program





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, OCTOBER 15, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

12. Status Report re: Operation Parks
13. Discussion and Action re: Revision of Rules for Patrol Special Officers and Assistant Patrol Special Officers
14. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claims:
  - a. Vonlener Insurance Co., Claim No. 97-04165
  - b. Patricia Ferretti v. CCSF, USDC No. C97-0331 SI
2. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Mr. Martin Smith

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**OCTOBER 15, 1997****CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Vonlener Insurance Co., Claim No. 97-04165
- b. Patricia Ferretti v. CCSE, USDC No. C97-0331 SI

PRESENT: Commissioners Norman, Petrillo, Perry

ABSENT: Commissioners Herrera, Chan

**OCTOBER 15, 1997****REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**DISCUSSION AND VOTE ON WHETHER TO DISCLOSE ACTION  
TAKEN OR DISCUSSION HELD IN CLOSED SESSION**

The Commission voted not to disclose Closed Session discussion.  
5-0.

**RESOLUTION NO. 136-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE  
TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL  
DISCIPLINARY CHARGES FILED AGAINST OFFICER E.R.  
BALINTON, SUPPORT SERVICES (FILE NO. C97-223 DTC)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence on additional disciplinary charges filed against Officer E. R. Balinton, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence on additional disciplinary charges filed against Officer Balinton; therefore be it

RESOLVED, that Commissioner Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer E.R. Balinton, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**APPROVAL OF CONSENT CALENDAR****RESOLUTION NO. 133-97****VONLENER INSURANCE CO.**

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "Vonlener Insurance Company" in Unlitigated Claim No. 97-04165 for damages sustained, be, and the same are hereby approved.

Date of Incident: February 16, 1997

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 134-97**

**PATRICIA FERRETTI v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Patricia Ferretti v. City and County of San Francisco" in United States District Court, N.D. Cal. No. C-97-0331 SI for damages sustained, be, and the same is hereby approved.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 135-97**

**APPROVAL OF TAXICAB OWNER'S PERMIT**

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that Mr. Martin Smith, based on his application and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to Mr. Martin Smith.

AYES: Commissioner Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

- a. **Motion of Calendaring of New Items**
- b. **Presentation of Certificates of Appreciation to Lieutenant Don Carlson, Sergeant Michael Hughes and Officer Annette Carrier**

Commissioner Norman advised regarding memorial service for former Commissioner Jo Daly on Saturday, October 18th.

No District Meeting on October 22. District Meeting will be reschedule for November due to lack of quorum.

The Commission present Certificates of Appreciation to Lieutenant Carlson, Sgt. Hughes and Officer Carrier for their participation in the AID Bike-a-thon.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau discussed past weeks events, large crowds and handling by the department. He further discussed the Mayor's State of the City Address.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Director Dunlap discussed problems with supplemental budget request and asked the Commission for their support. She also stated the OCC is continuing to interview for investigators and that members of her staff are attending the IACOLE conference in Oakland on October 16th.

Director Dunlap announced the resignation of Investigator Pam Moy.

Director Dunlap asked the Commission to appoint Commissioner

Chan as appraiser for evaluation of the OCC. Decision was put over for a future meeting to wait for advise from the City Attorney.

**RESOLUTION NO. 137-97**

**APPROVAL OF REQUEST FOR BACK WAGES FROM OFFICER  
TIMOTHY FITZGERALD**

WHEREAS, Chief of Police Fred H. Lau filed charges against Officer Timothy Fitzgerald on February 14, 1997;

WHEREAS, the Chief suspended Officer Fitzgerald on February 7, 1997 pending a hearing a before the Commission and at a Chief's administrative hearing five days later, the officer's suspension was continued;

WHEREAS, on September 3, 1997, the Commission exonerated Officer Fitzgerald of the charges filed against him. Officer Fitzgerald returned to work the following day;

WHEREAS, Officer Fitzgerald requested back pay for the time he was suspended and on leave of absence; therefore be it

RESOLVED, that the Police Commission approves the request of Officer Timothy Fitzgerald for back pay for the time that he was suspended and on leave without pay from February 7, 1997 to September 3, 1997.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 138-97**

**AUTHORIZATION TO EXECUTE HOLD HARMLESS  
AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE  
PAROLE LEADS PROGRAM**

WHEREAS, the California Department of Corrections has developed the Parole LEADS program to track parolees; and

WHEREAS, the program is designed to enable local law enforcement agencies to obtain current information regarding parolees in their jurisdiction; and

WHEREAS, the San Francisco Police Department's participation in the program will facilitate the efforts of various units in preventing serious crimes and apprehending violent offenders; and

WHEREAS, the State of California requires the execution of a hold harmless agreement prior to participation; now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to adopt a resolution authorizing the Chief of Police to execute a hold harmless agreement with the State of California for the Parol LEADS Program.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 139-97**

**AUTHORIZING THE CHIEF OF POLICE TO ACCEPT, ON  
BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT,  
THE GIFT OF A CASH DONATION OF \$41,200 FROM THE SAN  
FRANCISCO HOUSING AUTHORITY**

WHEREAS, the Wilderness Adventure Youth Program of the San

Francisco Police Department is in need of cash donations to support the Youth Programs and activities for the youth of San Francisco; and

WHEREAS, the San Francisco Housing Authority has generously offered to donate a cash donation of \$41,200.00 to the San Francisco Police Department's Wilderness Adventure Youth Program; and

WHEREAS, it is necessary to obtain authorization from the Board of Supervisors by a resolution in order to accept gifts to the Police Department which have a value of over \$25,000.00; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt the attached resolution authorizing the Chief of Police to accept the gift of \$41,200 from the San Francisco Housing Authority for use in the Wilderness Adventure Youth Program.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

#### **STATUS REPORT RE: OPERATION PARKS**

Deputy Chief Richard Holder updated the Commission regarding status and discussed plan for enforcement.

Commissioner Herrera asked regarding participation of other City Departments.

Commissioner Norman commended Deputy Chief Holder for his report.

#### **PUBLIC COMMENTS re: Operation Parks**

Unidentified stated that safety in parks are important.

Mary Harris, Parent Advocates for Youth, discussed concerns.

Mary Beth Wallace, Parent Advocates of Youth, discussed concerns.

Judith Appel, Coalition on Homelessness, discussed concerns.

Maria Reader, Coalition on Homelessness, discussed concerns regarding enforcement against homeless.

#### **DISCUSSION AND ACTION ON A MOTION TO REQUEST THE BOARD OF APPEALS TO REHEAR THE TAXICAB STOCK TRANSFERS**

Taken out of order. Approved 5-0.

#### **DISCUSSION AND ACTION RE: REVISION OF RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS**

Assistant Chief Sanders requested that matter be put over 60 days.

Chris Cunnie, POA, discussed position of the POA.

David Heller, Geary Merchants Assn., supports patrol specials.

Ethel Newlin discussed concerns regarding changes in rules, training and liability.

Item put over 60 days.

#### **PUBLIC COMMENTS**

Unidentified discussed concerns regarding camping in parks and retrieval of shopping carts.

Lynn Bonds asked that the issue of medicinal marijuana be calendared for discussion with the department. She also requested the name of head of Narcotics and requested meeting with the Chief to discuss the issue.

Commissioner Petrillo stated he will participate with the department and interested parties.

Thereafter, the meeting was adjourned at 7:35 p.m. in memory of former Commissioner Jo Daly.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

1137/rc



OCT. -17' 97 (FRI) 09:49 POLICE COMMISSION

TEL: 415 553 1669

P. 002



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, OCTOBER 22, 1997  
6:00 p.m.**

**MISSION DISTRICT**  
*Mission Station Community Room  
630 Valencia Street (at 17th Street)  
San Francisco*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

The Regular Police Commission Regular Meeting scheduled for the Mission District On Wednesday October 22, 1997 has been canceled. The next Police Commission Regular Meeting will be held on Wednesday, October 29, 1997, at 5:30 p.m., in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



OCT. -28' 97 (TUE) 15:31 POLICE COMMISSION

TEL: 415 553 1669

P. 002



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**WEDNESDAY, OCTOBER 29, 1997**  
**5:30 p.m.**

***Thomas J. Cahill Hall of Justice***  
***850 Bryant Street, Room 551***  
***San Francisco, California***

**DAT MONJ-LAN**  
President

**DENNIS J. HERRERA**  
Vice President

**SIDNEY CHAN**  
Commissioner

**EDWARD J. PETRILLO**  
Commissioner

**CONNIE PERRY**  
Commissioner

**LT. MANUEL BARRETTA**  
Secretary

1. Discussion and Action re: Office of Citizen Complaints' Request to Amend Police Commission Resolution No. 110-97, Supplemental Appropriation, Increasing Amount from \$169,147 to \$244,680

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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, OCTOBER 29, 1997**  
**5:30 p.m.**

***Thomas J. Cahill Hall of Justice***  
***850 Bryant Street, Room 551***  
***San Francisco, California***

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Charges Filed Against Officer Donald R. Calkin, Investigations (File No. C97-215 JWA)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Charges Filed Against Officer E.R. Balinton, Support Services (File No. C97-252 JWA)
5. Approval of Consent Calendar
6. Police Commission Report
  - a. Motion of Calendaring of New Items
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Revised General Orders 7.03, "Dissemination of Information Regarding Registered Sex Offenders" and General Order 11.12, "Return to Work/Reasonable Accommodation"
10. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, OCTOBER 29, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

11. Hearing and Disposition on Charges Filed Against Officer Anthony Damato, Northern Station (File No. 0086-95 BSK)

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Xiu Ying Chu, et al v. CCSF, Claim No. 97-01092 & 97-01093
2. Request of the Chief of Police for Approval to Accept a Mountain Bike from Mr. Michael Tarbox, valued approximately \$705.23, for use of the Tenderloin Task Force Unit

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(Chapter 67 of the San Francisco Administrative Code)

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**OCTOBER 29, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 143-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL DISCIPLINARY CHARGES FILED AGAINST OFFICER DONALD CALKIN, INVESTIGATIONS (FILE NO. C97-215 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence on additional disciplinary charges filed against Officer Donald Calkin, Investigations, was called it having been set for this date; and

WHEREAS, Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence on additional disciplinary charges filed against Officer Calkin; therefore be it

RESOLVED, that Commissioner Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Donald Calkin, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 144-97**

**ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL DISCIPLINARY CHARGES FILED AGAINST OFFICER E.R. BALINTON, SUPPORT SERVICES (FILE NO. C97-252 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence on additional disciplinary charges filed against Officer E. R. Balinton, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence on additional disciplinary charges filed against Officer Balinton; therefore be it

RESOLVED, that Commissioner Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer E.R. Balinton, and is to be set at a later date.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 141-97**

**XIU YING CHU, et al v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "Xiu Ying Chu & Wail Chiu Chu v. CCSF" in Unlitigated Claim Nos. 97-01092 & 97-01093 for damages sustained, be, and the same are hereby approved.



Date of Incident: September 4, 1996

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**RESOLUTION NO. 142-97**

**APPROVAL TO ACCEPT GIFT OF MOUNTAIN BICYCLE FROM MR. MICHAEL TARBOX FOR USE OF THE TENDERLOIN TASK FORCE**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a gift of a Gary Fisher "Big Sur" mountain bicycle from Mr. Michael Tarbox, valued at approximately \$705.23, for use of the Tenderloin Task Force.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

**POLICE COMMISSION REPORT**

**a. Motion of Calendaring of New Items**

Commissioner Herrera asked Mary Dunlap regarding the First Amendments Guideline report by the end of the year.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Assistant Chief Sanders, on behalf of Chief Lau who is out of town, briefed the Commission regarding Red Ribbon Week (youth pledging to go drug free).

Commander Santos briefed the Commission on plans for Halloween activities.

Commissioner Norman expressed her sympathy on behalf of the death of Tim Mayer's son Charlie.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Director Dunlap introduced James Rodriguez as new staff attorney. She also stated that the OCC will have three new investigators soon.

**DISCUSSION AND ACTION RE: OFFICE OF CITIZEN COMPLAINTS' REQUEST TO AMEND POLICE COMMISSION RESOLUTION NO. 110-97, SUPPLEMENTAL APPROPRIATION, INCREASING AMOUNT FROM \$169,147 TO \$244,680**

Taken out of order.

Director Dunlap explained the request for change.

**RESOLUTION NO. 140-97**

**AMENDMENT OF POLICE COMMISSION RESOLUTION NO. 110-97 APPROVING SUPPLEMENTAL APPROPRIATION FOR THE TOTAL AMOUNT OF \$244,680. IN RESERVES ESTABLISHED BY THE FINANCE COMMITTEE OF THE BOARD OF SUPERVISORS ON JULY 2, 1997 TO FUND THREE NEW POSITIONS, ADDITIONAL OFFICE SPACE AND EQUIPMENT, AND AIRPORT-RELATED SERVICES OF THE OFFICE OF CITIZEN COMPLAINTS DURING FISCAL YEAR '97 - '98**

WHEREAS, the Office of Citizen Complaints is mandated by the citizens of San Francisco under the City Charter to receive and investigate citizen complaints against members of the San Francisco Police Department; and

WHEREAS, the Board of Supervisors Finance Committee established total reserve funds in the amount of \$244,680.00, including a Board reserve of \$170,000.00, to fund three positions for the OCC, to wit, one (1) #1371 Special Assistant XII, one (1) #8126 Senior Investigator, and one (1) #8174 Trial Attorney, and to provide office space, equipment and related costs of new Charter-mandated staff, and a reserve of \$75,533.00 to cover Airport-related services and necessary start-up costs for the first year of OCC's Airport-related jurisdiction (in addition to the Airport's funding of one (1) #8124 Investigator for the approximately 140 SFPD sworn members in the SFPD's Airport Bureau, as required by the Charter); and

WHEREAS, the three new positions and related expenditures are vital to the efficient functioning of the OCC; and

WHEREAS, the total budgetary cost of funding the three new positions and related expenditures for the remainder of Fiscal year 1997-1998 is \$244,680.00; therefore be it

RESOLVED, that the Police Commission hereby amends its Resolution No. 110-97 to approve the request for Supplemental Appropriation of all reserve funds totaling \$244,680.00 from the reserves including the Board Reserve of the General Fund to fund the three positions and related expenditures of the Office of Citizen Complaints.

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

#### **RESOLUTION NO. 145-97**

#### **DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 7.03, "DISSEMINATION OF INFORMATION REGARDING REGISTERED SEX OFFENDERS" AND GENERAL ORDER 11.12, "RETURN TO WORK/REASONABLE ACCOMMODATION"**

General Order 7.03 is put over to November 12th.

#### **ADOPTION OF REVISED GENERAL ORDER 11.12, "RETURN TO WORK/REASONABLE ACCOMMODATION"**

RESOLVED, that the Police Commission hereby adopts Revised General Order 11.12, "Return to Work/Reasonable Accommodation."

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

#### **PUBLIC COMMENTS**

Ron McLasher discussed first publication of "On the Beat".

#### **HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ANTHONY DAMATO, NORTHERN STATION (FILE NO. 0086-95 BSK)**

The hearing of Officer Anthony Damato, Star No. 980, Northern Station, was called it having been set for this date. Officer Damato was charged with violating the Rules and Procedures, as follows:

#### **SPECIFICATION NO. 1**

Unnecessary Force (a violation of Rule M (1) of General order 5.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony Damato appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Closing arguments were made by Ms. Chin and Ms. Mahoney.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

**RESOLUTION NO. 146-97**

**DECISION - HEARING OF OFFICER ANTHONY DAMATO,  
NORTHERN STATION (FILE NO. 0086-95 BSK)**

WHEREAS, on May 1, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Anthony Damato, as follows:

**SPECIFICATION NO. 1**

Unnecessary Force (a violation of Rule M (1) of General order 5.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Anthony Damato, Star Number 980 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) The accused did have an occasion to contact the victim in this case;
- (4) During that contact, the accused did kick the victim in the back, said action violated department procedures as set forth in General Order 5.01 of the San Francisco Police Department, particularly Rule m which states:

"Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

WHEREAS, a hearing on said charges was held before the Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on March 18, 1997, May 29th, 30th, 1997, June 4th and 10th, 1997, and on Wednesday, October 29, 1997, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Officer Anthony Damato, as contained in Specification No. 1 are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, be, and the same are hereby dismissed, as follows:

Specification No. 1 - Not Sustain

AYES: Commissioners Norman, Herrera, Chan, Petrillo, Perry

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 7:00 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION





5/97

The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, NOVEMBER 5, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Presentation of OCC's 1997 Third Quarter Statistical Report
8. Request of the Chief of Police to for Approval to Amend Salary Ordinance (ASO) and Approve a Supplemental Appropriation in the Amount of \$6,653.05, to Create One New Position of Q-90, Director of Police Psychology
9. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, NOVEMBER 5, 1997  
5:30 p.m.**

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Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

10. Hearing and Disposition on Charges Filed Against Officer Ivan H. Chavez, Taraval Station, (File No. C96-131(284) JWA)

**CONSENT CALENDAR**

1. Request of the Chief of Police for Approval to Accept the following Equipments from the Department of Defense: One (1) 1990 GMC Crew-cab Pickup; three (3) 1990 GMC Pickup trucks; and one (1) Ford Aerostar Van for use in Emergency Situations by the San Francisco Police Department

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**NOVEMBER 5, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Petrillo, Perry

ABSENT: Commissioners Herrera, Chan

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 147-97**

**APPROVAL TO ACCEPT GIFT OF UTILITY VEHICLES FROM THE DEPARTMENT OF DEFENSE FOR USE IN EMERGENCY SITUATIONS BY THE SAN FRANCISCO POLICE DEPARTMENT**

WHEREAS, the San Francisco Police Department is in need of utility vehicles/equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following vehicles/equipment valued at no costs to the Police Department:

1990 GMC Crew-cab pickup, VIN 32FTJW35H3LCA41626

1990 GMC Pickup truck, VIN IGCFC24H3LZ231617

1990 GMC Pickup truck, VIN IGCFC24H3LZ229986

1990 GMC Pickup truck, VIN IGCFC24H3LZ229596

1990 Ford Aerostar van, VIN 1FMCA11U9LZA50070

WHEREAS, there are no costs involved to obtain these vehicles from the Department of Defense; and

WHEREAS, the vehicles must be used for law enforcement purpose and must be returned to the Department of Defense when they are no longer used by the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, utility vehicles from the Department of Defense.

AYES: Commissioners Norman, Petrillo, Perry

ABSENT: Commissioners Herrera, Chan

**POLICE COMMISSION REPORT**

**a. Motion of Calendaring of New Items**

Commissioner Petrillo discussed meeting with the Board of Permits Appeal regarding taxi issues.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Assistant Chief Sanders, for Chief Lau who's in the Mayor's office, discussed meeting regarding parks. Chief Sanders briefed the Commission regarding conditions in parks i.e. camping, etc.

Commissioner Norman discussed meeting with the Civil Grand Jury on Monday November 3rd regarding quality of life issues and overtime etc. She stated that other departments should be involved.

Commissioner Norman also announced that Chief Sanders will be honored on Friday by the elderly.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**



**PRESENTATION OF OCC's 1997 THIRD QUARTER  
STATISTICAL REPORT**

Director Mary Dunlap presented statistics for the 3rd Quarter and stated that there were 28 sustained cases during the 3rd quarter.

Ms. Dunlap also showed a video regarding Civilian Review.

**RESOLUTION NO. 148-97**

**APPROVAL OF A REQUEST TO AMEND THE ANNUAL SALARY  
ORDINANCE AND APPROVAL OF A SUPPLEMENTAL  
APPROPRIATION IN THE AMOUNT OF \$6,653.05 TO CREATE  
ONE NEW POSITION OF Q-90 DIRECTOR OF POLICE  
PSYCHOLOGY**

WHEREAS, the Police Commission approved Resolution No. 114-97; and

WHEREAS, Resolution No. 114-97 requested the creation of the new exempt position of Q-90 "Director of Police Psychology;" and

WHEREAS, it is necessary to request an amendment to the Annual Salary Ordinance and a supplemental appropriation to add the position to the budget; now therefore be it

RESOLVED, that the Police Commission hereby approves an amendment to the Annual Salary Ordinance and a request for a supplemental appropriation in the amount of \$6,653.05, to create one new Q-90 Director of Police Psychology position and delete one Q-60 Lieutenant (Police Department) position.

AYES:	Commissioners Norman, Petrillo, Perry
ABSENT:	Commissioners Herrera, Chan

**PUBLIC COMMENTS**

Ron McLashan discussed concerns regarding rave drug GHB.

**HEARING OF OFFICER IVAN H. CHAVEZ, RICHMOND  
(FILE NO. C96-131(284) JWA)**

The hearing of Police Officer Ivan H. Chavez, Star No. 623, Richmond Station, was called it having been set for this date. Officer Chavez was charged in Amended Charges filed with the Commission with violating the Rules and Procedures as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

**SPECIFICATION NO. 2**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a property verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department on October 17, 1997.

Officer Ivan H. Chavez appeared in person and was represented by Mr. Michael Gaines, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Chavez entered a plea of guilty to the amended charges and accepted responsibility for his actions.

Based on Officer Chavez' plea of guilty, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Officer Chavez shall serve a 180-day suspension, (90 days for each specification) with credit for time served when he was placed on interim suspension and personal leave (total of 231 days); and that Officer Chavez agrees to waive any claim to pay for the suspension and personal leave days in excess of 180 days; and that Officer Chavez agree with and accept the added requirement that Officer Chavez meet with the Department Psychologist for an evaluation, and for such course of counseling as the Department Psychologist shall prescribe. The Department Psychologist shall make a confidential report of his evaluation and prescription to the Police Commission.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 149-97**

**DECISION - HEARING OF OFFICER IVAN H. CHAVEZ,  
RICHMOND (FILE NO. C96-131(284) JWA)**

WHEREAS, on October 17, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Police Officer Ivan H. Chavez, Star No. 623, Richmond, as follows:

**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned IVAN H. CHAVEZ, Star Number 623, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to Taraval Station, Field Operations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On August 7, 1996, in the evening while off duty, the accused and a female friend (referred to herein as the "female friend") checked into a motel on Geneva Avenue in Daly City, California; on August 8, 1996, at 0300 hours a former girl friend with whom he had a close relationship for the previous year (referred to herein as "the former girl friend") went to the motel on Geneva Avenue in Daly City, and seeing the accused's automobile and suspecting that he was there with another woman, the former girl friend found the room where the accused was staying. The accused would not open the door. The former girl friend then flagged down a Daly City police officer and asked for his help. The Daly City police officer told her to leave the motel and she did. A short time later the former girl friend returned to the motel and again asked the Daly City police officer for help, he

told the former girl friend the accused was not registered and to leave the motel, which she did. The Daly City Police officer asked the accused to leave the motel, because he believed that the former girl friend would return and cause a problem. The accused agreed, and left the motel, but returned a short while later.

- (4) On August 8, 1996 at 0800 hours, outside the Motel the accused encountered the former girl friend, the accused and the former girl friend engaged in a brief argument; the former girl friend attempted to talk to the female friend and the accused, believed the former girl friend would accost the other woman, in the course of attempting to prevent the former girl friend from accosting to her, physically restrained the former girl friend;
- (5) On August 8, 1996, at about 0800 hours, at the motel on Geneva Avenue in Daly City, when the accused and the former girl friend became embroiled in the incident, the accused had returned to the motel against the advice of the Daly City police officer who had strongly warned him to leave the motel and not return.
- (6) The accused by becoming involved in the incident with the former girl friend after the former girl friend had twice returned to the motel and after the Daly City police officer had requested that the accused leave the motel to keep the incident from escalating as it did, engaged in conduct which brought discredit on the department and a member of the department, which any reasonable peace officer would recognize as a violation of Rule 9 of Department General Order 2.01, which states:

*MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

SPECIFICATION NO. 2:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (7) The allegations contained in paragraphs 1 and 2 of Specification Number 1 above are realleged and incorporated herein by reference:
- (8) During the fall of 1995, the accused first met the woman, identified in Specification No. 1 as "the former girl friend", who worked in a restaurant located in the Taraval District. After several days they started to date and became very close. Over the next year, while the accused was on duty he frequently spent long periods of time at the restaurant socializing with the former girl friend. They would often sit in his patrol car for long periods of time and would spend the time kissing and hugging. On at least one occasion while he was supposed to be on patrol, the accused gave the former girl friend a ride to her home in his assigned department patrol vehicle without requesting or receiving permission from a supervisor;
- (9) The accused by spending significant periods of time at the restaurant where the former girl friend worked while they were dating, by sitting with her in his patrol vehicle while he was supposed to be on patrol duties and by giving her a ride in his patrol vehicle, without permission from a supervisor, while he was supposed to be on patrol

engaged in conduct which violated Rule 1 of Department General Order 2.01, which states:

*ATTENTION TO DUTY. "The basic mission of the San Francisco Police Department and its officers is to protect life and property, to preserve the peace, prevent crime, enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law. While on-duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."*

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 5, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Chavez' guilty plea, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by Chief of Police Fred H. Lau against Officer Ivan H. Chavez are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification No. 1 - Sustained  
Specification No. 2 - Sustained

1. Officer Ivan H. Chavez, Star No. 623, be suspended for 180 days, (90 days for each specification) with credit for time served when he was placed on interim suspension and personal leave (total of 231 days):
2. Officer Chavez waived any claim to pay for the suspension and personal leave days in excess of 180 days.
3. Officer Chavez agrees with and accepts the added requirement that he meet with the Department Psychologist for an evaluation, and for such course of counseling as the Department Psychologist shall prescribe. The Department Psychologist shall make a confidential report of his evaluation and prescription to the Police Commission.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Petrillo, Perry  
ABSENT: Commissioners Herrera, Chan

Thereafter, the meeting was adjourned at 6:40 p.m.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, NOVEMBER 12, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. Presentation of \$4,000 to Operation DREAM, by Mr. Dennis Conahan, Manager of Embarcadero Center
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Request from the Mayor's Office to Authorize the Chief of Police to enter into Lease Financing Arrangements to Finance the Acquisition and Construction of a Citywide Emergency Radio Communication System ("Project")
9. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, NOVEMBER 12, 1997**  
**5:30 p.m.**

*Thomas J. Cahill Hall of Justice*  
*850 Bryant Street, Room 551*  
*San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

10. Hearing and Disposition on Charges Filed Against Officer Jason A. Cherniss, Narcotic (File No. C97-016 DTC)

**CONSENT CALENDAR**

1. Request of the Chief of Police for Approval of Expenditures from the Chief's Contingent Fund for the Months of January 1997 through September 1997
2. Request of the Chief of Police to Accept Donation of the following Equipments from the Department of Defense: One (1) 1988 Ford F350 Crew Cab Pickup; One (1) 1990 GMC Chevrolet Truck; One (1) 1986 GMC Astro Van; One (1) 1987 International S2300 NAVISTAR Truck; and One (1) 1986 International SI900 NAVISTAR Truck

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance*

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669



**NOVEMBER 12, 1997****REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Perry

ABSENT: Commissioners Chan, Petrillo

**APPROVAL OF CONSENT CALENDAR****RESOLUTION NO. 150-97**

**APPROVAL OF EXPENDITURES FROM THE CHIEF'S  
CONTINGENT FUND FOR THE MONTHS OF JANUARY 1997  
THROUGH SEPTEMBER 1997**

RESOLVED, that the Police Commission hereby approves expenditures from the Chief's Contingent Fund for the months of January 1997 through September 1997.

AYES: Commissioners Norman, Herrera, Perry

ABSENT: Commissioners Chan, Petrillo

**RESOLUTION NO. 151-97**

**APPROVAL TO ACCEPT GIFT OF EQUIPMENT FROM THE  
DEPARTMENT OF DEFENSE**

WHEREAS, the San Francisco Police Department is in need of utility vehicles/equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following vehicles/equipment valued at no costs to the Police Department:

1998 Ford F350 Crew Cab Pickup, VN 2FTJW35H2LCA41617

1990 GMC Chevrolet Truck, VIN IGCFC24H7LZ231069

1986 GMC Astro Van, VIN 1GNCM15Z8HB120022

1987 International S2300 NAVISTAR Truck, VIN  
1HSZEGGR7HH519363

1986 International S1900 NAVISTAR Truck, VIN  
1HSLRUGR7GHA20265

WHEREAS, there are no costs involved to obtain these vehicles from the Department of Defense; and

WHEREAS, the vehicles must be used for law enforcement purpose and must be returned to the Department of Defense when they are no longer used by the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, utility vehicles from the Department of Defense.

AYES: Commissioners Norman, Herrera, Perry

ABSENT: Commissioners Chan, Petrillo

**POLICE COMMISSION REPORT****a. Motion of Calendaring of New Items**

Commissioner Norman announced that next week's meeting will be

at Mission Station.

**CHIEF’S REPORT TO THE POLICE COMMISSION**

Chief Lau discussed a fire at 15th Street and Valencia where officers rescued 35 -40 people. One officer was hurt.

**PRESENTATION OF \$4,000 TO OPERATION DREAM, BY MR. DENNIS CONAHAN, MANAGER OF EMBARCADERO CENTER**

Mr. Conahan presented a check for \$4,000 to the Department from Embarcadero Center for Operation Dream. The check was presented to Clocy Hewlett, president of Operation Dream. Ms. Hewlett thanked the Embarcadero Center and the department.

**OCC DIRECTOR’S REPORT TO THE POLICE COMMISSION**

Mr. Robert Jancse, for Director Dunlap, stated there are three new investigators in training.

**RESOLUTION NO. 152-97**

**APPROVAL OF REQUEST FROM THE MAYOR’S OFFICE TO AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO LEASE FINANCING ARRANGEMENTS TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A CITYWIDE EMERGENCY RADIO COMMUNICATION SYSTEM (“PROJECT”)**

WHEREAS, the electorate of the City and County of San Francisco (“City”) authorized the City to enter lease financing arrangements to finance the acquisition and construction of a Citywide Emergency Radio Communication System (“Project”); and

WHEREAS, the City has determined the use of certain Police, Fire and Health facilities in such lease financing arrangements shall provide the City with the most economical method of financing the Project; and

WHEREAS, the City proposes to use the following police stations as the leased assets in the lease financing arrangements: Bayview Station, 201 Williams Avenue; Mission Station, 630 Valencia Street; Taraval Station, 2345 24th Avenue; and

WHEREAS, the Mayor’s Office requests the Police Commission to approve the use of these police stations in the proposed financing; now, therefore be it

RESOLVED, that the Police Commission hereby authorizes the use of these police stations in the proposed financing, provided that such financing is approved by the Board of Supervisors; and be it

FURTHER RESOLVED, that the Chief of Police is hereby authorized and directed to take such actions necessary to consummate to the matters contemplated by this Resolution.

AYES: Commissioners Norman, Herrera, Perry  
ABSENT: Commissioners Chan, Petrillo

**PUBLIC COMMENTS**

Ronald McLashan, S.F. Observer, discussed ride along with department and commended the department for manner of handling persons.

**HEARING OF OFFICER JASON A. CHERNISS, NARCOTICS  
(FILE NO. C97-016 DTC)**

---

The hearing of Police Officer Jason A. Cherniss, Star No. 387, Narcotics, was called it having been set for this date. Officer Cherniss was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Discourtesy (use of profane and uncivil language, in violation of General Order 2.01, Rule 14)

SPECIFICATION NO. 2

Unnecessary Force (striking a civilian without legal authorization, in violation of General Order 5.01)

SPECIFICATION NO. 3

Neglect of Duty (failure to report a use of force that resulted in injury to a civilian, in violation of General Order 5.01)

SPECIFICATION NO. 4

Neglect of Duty (failure to answer all questions presented during the course of an investigation by superiors and the OCC truthfully and without evasion, in violation of General Order 2.01, Rule 21)

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Jason A. Cherniss appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

The Commission granted the San Francisco Police Department's motion to withdraw Specification No. 4 against Officer Jason Cherniss.

Officer Cherniss accepted responsibility for his actions and pled no contest to Specifications Nos. 1, 2, and 3.

Based on Officer Cherniss' plea of no contest, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Officer Cherniss be terminated, said termination shall be held in abeyance for four (4) years, on condition of good behavior and that he serve a ninety (90) day suspension and be assigned to the Field Operations Bureau upon return from suspension; said ninety (90) days suspension is without credit for the time Officer Cherniss was on interim suspension from February 13, 1997 to March 22, 1997. Officer Cherniss shall not be assigned to any specialized units in the SFPD for two years upon return from his suspension. Officer Cherniss shall participate in a program analogous to the program described in Department General Order 11.11, including evaluation by the Behavioral Science Unit, and he shall comply with its prescription. The Behavioral Science Unit shall make confidential reports to the Police Commission, as described in Department General Order 11.11. Failure to comply with any conditions shall result in this matter being returned to the Police Commission for imposition of the termination.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 153-97**

**DECISION - HEARING OF OFFICER JASON A. CHERNISS,  
NARCOTICS (FILE NO. C97-016 DTC)**

WHEREAS, on June 11, 1997, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Police Officer Jason A. Cherniss, Star No. 387, as follows:

**CHARGE NO. 1**

- (1) At all times herein mentioned, Jason A. Cherniss (hereinafter referred to as "the Accused Officer"), Star Number 387, was and is a police officer employed by the San Francisco Police Department, assigned to the Narcotics Division;
- (2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On February 12, 1997, a Narcotics Division team was assigned to conduct a "buy-bust" operation in the Haight-Ashbury area. The Accused Officer was assigned to this team;
- (4) A civilian (hereinafter referred to as "the victim") verbally engaged with the Accused Officer after being refused a cigarette by the officer. At some point during this exchange, the victim announced that the Accused Officer was an undercover narcotics police officer. The Accused Officer responded by using discourteous language, saying words to the effect of "get the fuck out of here";
- (5) Later, the victim was taken into custody by other San Francisco police officers and transported to Park Station. The Accused Officer returned to the station and encountered the victim in the booking area, where he was handcuffed to a bench. The Accused Officer then repeatedly called the victim a "punk" in an uncivil manner;
- (6) By engaging in the use of profane, discourteous and uncivil language, the Accused Officer violated Department General Order 2.01, Rule 14, which states, in relevant part:

PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

**CHARGE NO. 2:**

- (7) Paragraphs (1) through (5) are incorporated in this paragraph by reference and realleged as though set forth in full;
- (8) After the victim's pronouncement that the Accused Officer was an undercover narcotics police officer, the "buy-bust" operation was aborted. The victim was arrested and taken into custody by officers other than the Accused Officer.

During a pat-down search of the victim, narcotics paraphernalia was discovered. The victim was taken to Park Station and handcuffed to a bench in the booking area. At the time of transport of the victim, no officer noticed or saw any injuries or blood on the victim;

- (9) The Accused Officer returned to Park Station separately from the victim. Upon entering the booking area, he verbally engaged with the victim, as described more fully in Charge No. 1. He also removed the victim's handcuffs and escorted the victim out of the booking area and into the "sallyport." Once outside the station, the Accused Officer continued to use discourteous language and ordered the victim to get into the back of a parked patrol car, where the Accused Officer then repeatedly struck the victim about the face and torso;
- (10) During this use of unnecessary force, a witness who was seated in the booking area less than a foot from the door, heard the victim cry out as if in pain. The witness was present when the victim was removed from the booking area and did not see any injuries on the victim's body or face. When the victim was returned to the booking area, this witness observed blood on the victim's face. The victim moaned and told the witness that the Accused Officer had beaten him. The victim complained of injuries to his face and rib cage;
- (11) By striking the victim without justification, the Accused Officer violated General Order 5.01, which states, in relevant part:

#### I. POLICY

A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.

#### M. Unnecessary Force (Defined)

- 1. Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.
- 2. Malicious assaults and batteries committed by officers constitute gross and unlawful misconduct. Penal Code section 149 provides criminal penalties for every public officer who under the color of authority, without lawful necessity, assaults or beats any person.
- 3. When the use of force is applied indiscriminately, the officer will face civil and criminal liability and Department disciplinary action.

#### CHARGE NO. 3:

- (12) Paragraphs (1) through (5) and (8) through (10) are incorporated in this paragraph by reference and realleged as though set forth in full;
- (13) The Accused Officer admits that he had physical contact with the victim. The Accused Officer alleges that he grabbed and pushed the victim, who then fell back against a parked patrol vehicle. However, the Accused claims that this contact was defensive in nature, caused by the victim moving toward him aggressively;
- (14) Based upon the physical contact between the Accused Officer and the victim, the victim claimed physical injuries and pain and an ambulance was summoned by the Accused Officer;
- (15) The Accused Officer did not inform report his need to use physical control against the victim, even though it resulted in a claim of injury by the victim;
- (16) By failing to report this use of force, the Accused Officer violated Department General Order 5.01, which states, in relevant part:

N. REPORTING AND INVESTIGATING THE USE OF FORCE

1. TYPES OF INCIDENTS REQUIRING REPORTING.  
Offices must report the use of the following types of force:

- a. Physical control, when the person is injured or claims to be injured.

CHARGE NO. 4:

- (17) ~~Paragraphs (1) through (5), (8) through (10) and (13) through (15) are incorporated in this paragraph by reference and realleged as though set forth in full;~~
- (18) ~~A supervisory sergeant arrived at Park Station after an ambulance had been called for the victim;~~
- (19) ~~The Accused Officer informed the sergeant that the victim had fallen down after being taken out of the station and then had complained of breathing difficulties so that an ambulance had been called. The Accused Officer did not inform the sergeant that he had had physical contact with the victim;~~
- (20) ~~On or about February 13, 1997, the Accused Officer was interviewed by the Office of Citizens Complaints. During that interview, the Accused Officer stated that he had taken the victim outside with the intent to admonish and release him. The Accused Officer also stated during the interview that his physical contact with the victim was brought on by an offensive gesture by the victim. He stated that he grabbed and pushed the victim into the side of a vehicle, who then fell against his right side and collapsed;~~
- (21) ~~The Accused Officer provided inconsistent, evasive and untruth statements during the course of an investigation related to his employment, in violation of General Order~~

~~2.01, Rule 21, which states, in relevant part:~~

~~COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion.—~~

- (22) ~~The Accused Officer by engaging using discourteous and uncivil language, striking the victim without cause, failing to report a reportable use of force, and failing to answer all questions truthfully and without evasion has engaged in conduct that any reasonable police officer would know would be cause for discipline, and has engaged in conducted that violated Department General Order 2.01, Rule 9, which states:~~

~~MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.~~

WHEREAS, this matter was called for hearing on said charges before the Police Commission pursuant to Section A 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 12, 1997, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Cherniss' plea of no contest, the Commission finds that the allegations contained in Specifications No. 1, 2 and 3, as preferred by Chief of Police Fred H. Lau against Officer Jason A. Cherniss are sustained; therefore be it

RESOLVED, the Commission adopts the sustained specifications as its findings in this matter. Based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following penalty for violation of:

Specification No. 1 - Sustained  
Specification No. 2 - Sustained  
Specification No. 3 - Sustained  
Specification No. 4 - Withdrawn

Officer Cherniss be terminated, said termination shall be held in abeyance for four (4) years, on the following conditions:

1. That Officer Cherniss serve a ninety (90) day suspension and be assigned to the Field Operations

Bureau upon return from suspension; said ninety (90) days suspension is without credit for the time Officer Cherniss was on interim suspension from February 13, 1997 to March 22, 1997.

2. Officer Cherniss shall not be assigned to any specialized units in the SFPD for two years upon return from his suspension.
3. Officer Cherniss shall participate in a program analogous to the program described in Department General Order 11.11, including evaluation by the Behavioral Science Unit, and he shall comply with its prescription. The Behavioral Science Unit shall make confidential reports to the Police Commission, as described in Department General Order 11.11. Failure to comply with any conditions shall result in this matter being returned to the Police Commission for imposition of the termination.

FURTHER RESOLVED, that said ninety (90) day suspension shall commence on Saturday, November 29, 1997, at 0001 hours and terminate on Friday, February 27, 1998, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Norman, Herrera, Perry  
 ABSENT: Commissioners Chan, Petrillo

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR.)

Thereafter, the meeting was adjourned at 6:00 p.m.

---

Lieutenant Manuel Barretta  
 Secretary  
 THE POLICE COMMISSION

1137/rc

NOV. -17/97 (MON) 11:10 POLICE COMMISSION

TEL: 415 553 1669

P. 002



**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**AND NOTICE OF SPECIAL MEETING**  
**TUESDAY, NOVEMBER 18, 1997**  
**9:00 a.m.**

***Thomas J. Cahill Hall of Justice***  
***850 Bryant Street, Room 551***  
***San Francisco, California***

- PAT NORMAN  
President
- DENNIS J. HERRERA  
Vice President
- SIDNEY CHAN  
Commissioner
- EDWARD J. PETRILLO  
Commissioner
- CONNIE PERRY  
Commissioner

LT MANUEL HARRETTA  
Secretary

Taking of Evidence by Commissioner Dennis Herrera on Disciplinary Charges filed Against  
Officer Robert A. Taylor, Narcotics (File No. C96 197[331]JWA)



NOVEMBER 18, 1997

SPECIAL MEETING

**PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY  
COMMISSIONER DENNIS HERRERA IN THE CHARGES FILED  
AGAINST OFFICER ROBERT A. TAYAC, NARCOTICS, (FILE NO.  
C96-179(331)JWA)**

---

The hearing for taking of evidence in the disciplinary charges filed against Officer Robert A. Tayac, Narcotics, was called at 9:15 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Robert A. Tayac appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Opening statements were made by Mr. Jerry Akins.

The following witnesses appeared for the Department, were sworn and testified:

Kevin R. Traylor  
Erna Pahe  
Alex Alday  
Officer Anthony Montoya

The following exhibit was entered for identification by the Department:

Exhibit No. 1	Copy of memo from Sgt. K. Traylor to Captain F. Sanchez dated June 1, 1996 (2 pages)
---------------	--

The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 2	Copy of Transcript - Communications Oakland P.D.
Exhibit No. 3	Copy of Computer Queries (12 pages)

The following exhibits were entered for identification by the Defense:

Exhibit A	Letter dated September 30th
Exhibit B	Letter of Daniel Lungren to Urban Indian Health Board Inc., dated June 7, 1996 and miscellaneous papers (20 pages)
Exhibit C	Copy of Docket and Minutes #0003549441 (7 pages)

The meeting was then adjourned, to be continued to Wednesday, January 14, 1998.

Recess taken during the hearing of Officer Tayac:

11:05 a.m. - 11:15 a.m.

(The entire proceedings were taken in shorthand form by Mr. Dave Davenport, CSR)

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 19, 1997  
6:00 p.m.**

**MISSION DISTRICT**  
*Mission Station Community Room  
630 Valencia Street (at 17th Street)  
San Francisco*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
  - a. Motion of Calendaring of New Items
4. Chief's Report to the Police Commission
5. OCC Director's Report to the Police Commission
6. Captain Gregory Suhr, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District
7. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

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**CAPTAIN GREG SUHR  
AND MISSION POLICE STATION  
PERSONNEL**

**CORDIALLY INVITE YOU TO  
ATTEND**

**THE SAN FRANCISCO  
POLICE COMMISSION  
MEETING**

**WEDNESDAY, NOVEMBER 19, 1997  
6:00 P.M.**

**MISSION POLICE STATION  
RAY BENSON COMMUNITY ROOM  
630 VALENCIA STREET  
SAN FRANCISCO**



NOVEMBER 19, 1997REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Mission District, at the Mission Station Community Room, 630 Valencia Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry

POLICE COMMISSION REPORT**a. Motion of Calendaring of New Items**

Commissioner Norman greeted the audience and announced there will be no meeting next week. The next regular meeting will be on December 3rd. She also stated that Commissioners Herrera and Chan will be out of town from November 30th to December 12th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau defers to Captain Suhr.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Dunlap stated no report.

Commissioner Herrera asked Ms. Dunlap regarding press report regarding homeless issue. The Commission discussed procedure regarding policy recommendations.

CAPTAIN GREGORY SUHR, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Suhr addressed the audience regarding police activities in the district. Captain Suhr discussed crime in the district especially crimes involving juveniles and narcotic arrests.

Captain Suhr stated there will be a toy giveaway on December 13th.

PUBLIC COMMENTS

Unidentified discussed red light runners.

Ethel Newlin asked the Commission for full staffing.

Richard Sarrets discussed condition of the district.

Resident of 17th and Albion commended Captain Suhr and members of Mission Station and discussed concerns regarding sidewalk vendors.

Rita Alviar, vendor 23rd and Bryant, discussed good relations with the department and the residents of Mission. She commended Commander Santos and the officers of Mission Station on how the department dealt with drug activity on 24th and Treat.

Thereafter, the meeting was adjourned.

---

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, DECEMBER 3, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT MANUEL BARRETTA  
Secretary

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**DOCUMENTS DEPT.**

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Discussion, Action and Possible Disposition re: Charged filed against Officer William T. Taylor, Star No. 1702, Ingleside (Case No. C96-147 (300) JWA)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Request of the Chief of Police for Reassessment of Photo Lab Fee Schedule
9. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, DECEMBER 3, 1997  
5:30 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

---

LT. MANUEL BARRETTA  
Secretary

**CONSENT CALENDAR**

1. Request of the Chief of Police for Approval to Accept Donation of \$1040.75 from Macy's to Fund the Youth Star Sticker Program for the coming Christmas Season

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**DECEMBER 3, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m.

PRESENT: Commissioners Norman, Petrillo, Perry

ABSENT: Commissioners Herrera, Chan

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 154-97**

**APPROVAL TO ACCEPT DONATION OF \$1040.75 FROM MACY'S TO FUND THE YOUTH STAR STICKER PROGRAM FOR THE COMING CHRISTMAS SEASON**

---

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$1040.75 from Macy's to fund the Youth Star Sticker Program for the coming Christmas season.

AYES: Commissioners Norman, Petrillo, Perry

ABSENT: Commissioners Herrera, Chan

**POLICE COMMISSION REPORT**

**a. Motion of Calendaring of New Items**

None.

**DISCUSSION, ACTION AND POSSIBLE DISPOSITION RE: CHARGES FILED AGAINST OFFICER WILLIAM T. TAYLOR, STAR NO. 1702, INGLESIDE (FILE NO. C96-147[300]JWA)**

---

Jerry W. Akins, Attorney at Law, discussed why Officer Taylor is no longer qualified to be a peace officer.

Put over to January 14th for trial.

**CHIEF'S REPORT TO THE POLICE COMMISSION**

Assistant Chief Sanders discussed budget planning and New Years eve preparations which are ongoing.

**OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Director Dunlap stated that the OCC is functioning well. They have hired three additional investigators in January and the second staff attorney is working out well.

**RESOLUTION NO. 155-97**

**APPROVAL OF REVISED PHOTO LAB FEE SCHEDULE**

RESOLVED, that the Police Commission hereby approves revised Photo Lab Fee Schedule.

AYES: Commissioners Norman, Petrillo, Perry

ABSENT: Commissioners Herrera, Chan

**PUBLIC COMMENTS**

Linda Bray discussed problems regarding being arrested.

Thereafter, the meeting was adjourned.

---

Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING  
WEDNESDAY, DECEMBER 10, 1997  
5:45 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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1. Roll Call
2. Vote pursuant to Sunshine Ordinance Section 67.11(a) as to Whether to Conduct a Closed Session
3. Closed Session held pursuant to Brown Act Section 54956.9 and Sunshine Ordinance Section 67.11:

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations:

- a. Reyes vs. SFPD, Claim No. USDC C97-1488SI

PUBLIC COMMENT IS WELCOME





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, DECEMBER 10, 1997  
6:00 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Action Taken or Discussion held in Closed Session
4. Approval of Consent Calendar
5. Police Commission Report
  - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Creation of New Ranks in the Police Department Relevant to Re-Opener Provisions and Amendment to the Contract between the City and the San Francisco Police Officers Association
9. Discussion and Action re: Police Commission Procedures on Taxicab Medallion Revocations
10. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)





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The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

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**SAN FRANCISCO POLICE COMMISSION AGENDA**

**REGULAR MEETING  
WEDNESDAY, DECEMBER 10, 1997  
6:00 p.m.**

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

---

LT. MANUEL BARRETTA  
Secretary

**CONSENT CALENDAR**

1. Recommendation of the City Attorney for Settlement of the following claim:
  - a. Reyes vs. SFPD, Claim No. USDC C97-1488SI

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

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# SAN FRANCISCO POLICE COMMISSION

December 10, 1997

There was no meeting held on this date





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, DECEMBER 17, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
  - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Airport Bureau's Presentation to the Police Commission re: Status of the Airport Bureau
8. Public Comments  
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)





The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING  
WEDNESDAY, DECEMBER 17, 1997  
5:30 p.m.

*Thomas J. Cahill Hall of Justice  
850 Bryant Street, Room 551  
San Francisco, California*

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Gift of Vehicles/Equipment from the Department of Defense for use in Emergency Situations

2. Request of the Chief of Police for Approval of Taxicab Permits for the following individuals:

Fisseha Gabremichale  
Pablo Gravador  
Mikhail Linetsky

Robert Oppenheimer  
Lauree W. Watkins

3. Request of the Chief of Police for Approval of Ramped Taxicab Permits for the following individuals:

Bekele Alemayehu	Ishtiaq A. Bokhari	Carl Baker
J. Reyes Bautista	Fred C. Brandt	Jimmy T. Chung
Ali Dadger	James F. Kennedy	Hossein Khoshroozeh
Gary R. Maupin	Bradley A. Newsham	Mohammad Noor
Ronald K. Reissberg	John E. Stringer	Lincoln Tran
Arthur Tse	Kai S. Wu	

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

*Government's duty is to serve the public, reaching its decisions in full view of the public.*

*Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**



**DECEMBER 17, 1997**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Herrera, Chan, Petrillo, Perry\*

\*Commissioner Perry arrived at 5:40 p.m.

**APPROVAL OF CONSENT CALENDAR**

**RESOLUTION NO. 158-97**

**APPROVAL TO ACCEPT GIFT OF VEHICLES/EQUIPMENT FROM THE DEPARTMENT OF DEFENSE FOR USE IN EMERGENCY SITUATIONS**

WHEREAS, the San Francisco Police Department is in need of utility vehicles/equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following vehicles/equipment valued at no costs to the Police Department:

1990 Ford Van, Aerostar, VIN 1FMCA11U4LZA49974, USN 93-25112  
1990 Ford Van, Aerostar, VIN 1FMCA11U7LZA49984, USN 93-25122  
1990 Ford Van, Aerostar, VIN 1FMCA11U3LZA50064, USN 93-25778  
1990 Ford Van, Aerostar, VIN 1FMCA11U7LZA50116, USN 93-25830  
1986 Chrysler Van, VIN 2B4HB21H5HK205365, USN 93-21682  
1986 Chrysler Van, VIN 1GNCM15Z4HB12003, USN 93-23805  
1989 Chrysler Ram Van, VIN 2B4HB25Y1KK313242, USN 3-24527  
1990 Chrysler Max Van, VIN 2B5WB35Z3LK739663, USN 93-26021  
1988 GMC Police Wagon/Van, VIN 1GCGG35K2J7172562, USN 94-36253  
1979 GMC Truck Servicing, VIN T16DA9V583865, USN 95-23064  
1990 Ford F350 Truck, VIN 2FTJW35H7LCB13217, USN 94-44622  
1990 Ford F350 Truck, VIN 2KYJW35L5HCA89320, USN 94-33037  
1991 Pengo Boat Trailer, VIN 40YBF273XNF000023, USN 97-39752  
Harbor Security Boat #24HS8808

WHEREAS, there are no costs involved to obtain these vehicles from the Department of Defense; and

WHEREAS, the vehicles must be used for law enforcement purpose and must be returned to the Department of Defense when they are no longer used by the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, utility vehicles from the Department of Defense.

AYES: Commissioners Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

**RESOLUTION NO. 159-97**

**APPROVAL OF TAXICAB OWNER'S PERMITS**

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it



RESOLVED, that the following named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Fisseha Gabremichale  
Pablo Gravador  
Mikhail Linetsky

Robert Oppenheimer  
Lauree W. Watkins

AYES: Commissioner Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

#### **RESOLUTION NO. 160-97**

#### **APPROVAL OF RAMPED TAXICAB OWNER'S PERMITS**

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of twenty (20) additional ramped taxicab permits; therefore be it

RESOLVED, that the following named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said ramped taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals:

Bekele Alemayehu	Ishtiaq A. Bokhari	Carl Baker
J. Reyes Bautista	Fred C. Brandt	Jimmy T. Chung
Ali Dadger	James F. Kennedy	Hossein Khoshroozeh
Gary R. Maupin	Bradley A. Newsham	Mohammad Noor
Ronald K. Reissberg	John E. Stringer	Lincoln Tran
Arthur Tse	Kai S. Wu	

AYES: Commissioner Norman, Herrera, Chan, Petrillo  
ABSENT: Commissioner Perry

#### **POLICE COMMISSION REPORT**

##### **a. Motion of Calendaring of New Items**

Commissioner Herrera discussed trip to Asia. He stated it was very interesting and that Deputy Chief Willett will schedule a briefing on the trip.

Commissioner Petrillo discussed Taxi permits and stated that the matter is now at the Permit Appeals Board who will act on it the end of January.

#### **CHIEF'S REPORT TO THE POLICE COMMISSION**

Chief Lau stated that Operation Dream has \$40,000 to date.

#### **OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION**

Mary Dunlap, OCC Director, stated statute of limitations on complaint is one year. She further stated that the Board of Supervisor will hear request for approval of three additional investigators in January. She further requested that the OCC report regarding new statutes be placed on the calendar for February 4th.

**AIRPORT BUREAU'S PRESENTATION TO THE POLICE  
COMMISSION RE: STATUS OF THE AIRPORT BUREAU**

Deputy Chief Mindy Pengel presented the update on the merger.

Sgt. Joe Reily discussed history of the Airport Police.

Commander Pisciotto updated the Commission on the actual merger.

Captain James Lynch discussed staffing and stated that there are 263 personnel, 152 sworn.

Captain Frank O'Malley updated the Commission regarding future of the Airport.

Commissioner Petrillo left at 7:00 pm.

**PUBLIC COMMENTS**

Marie Bray discussed concerns regarding actions of police.

Thereafter, the meeting was adjourned.

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Lieutenant Manuel Barretta  
Secretary  
THE POLICE COMMISSION

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TEL: 415 553 1669

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**The Police Commission**  
CITY AND COUNTY OF SAN FRANCISCO

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**CALENDAR OF PROCEEDINGS  
POLICE COMMISSION MEETING**

PAT NORMAN  
President

DENNIS J. HERRERA  
Vice President

SIDNEY CHAN  
Commissioner

EDWARD J. PETRILLO  
Commissioner

CONNIE PERRY  
Commissioner

LT. MANUEL BARRETTA  
Secretary

There will be no Police Commission Regular Meetings on *Wednesdays, December 24th and 31st, 1997*. The next Police Commission Regular Meeting will be on Wednesday, January 7, 1998, at 5:30 p.m., in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco









